

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6420

RANDY SCOTT BALLON,

Petitioner - Appellant,

versus

DON WOOD, Superintendent; THEODIS BECK,
Secretary of Corrections,

Respondents - Appellees.

No. 07-7446

RANDY SCOTT BALLON,

Petitioner - Appellant,

versus

THEODIS BECK; DONALD WOOD,

Respondents - Appellees.

Appeals from the United States District Court for the Middle
District of North Carolina, at Durham. James A. Beaty, Jr., Chief
District Judge. (1:06-cv-00393-JAB; 1:06-cv-00980)

Submitted: November 20, 2007

Decided: November 28, 2007

Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Randy Scott Ballon, Appellant Pro Se. Clarence Joe DelForge, III, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Randy Scott Ballon seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and dismissing as untimely his 28 U.S.C. § 2254 (2000) petitions. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the records and conclude that Ballon has not made the requisite showing. Accordingly, we deny the motion for a certificate of appealability, deny leave to proceed in forma pauperis, deny the motion for appointment of counsel, and dismiss the appeals. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED