UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7642

JUAN CARLOS VAZQUEZ,

                Petitioner - Appellant,

        v.

COLIE RUSHTON, Warden, McCormick Correctional
Institution; HENRY MCMASTER, Attorney General
for South Carolina,

                Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence.   G. Ross Anderson, Jr., District
Judge. (4:06-cv-01302)

Submitted: February 21, 2008   Decided: February 27, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Juan Carlos Vazquez, Appellant Pro Se. Donald John Zelenka, SOUTH
CAROLINA ATTORNEY GENERAL'S OFFICE, Columbia, South Carolina, for
Appellees.

PER CURIAM:

Juan Carlos Vazquez seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2000) petition. The order is 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. <u>Miller-El v. Cockrell</u>, 537 U.S. 322, 336-38 (2003); <u>Slack v. McDaniel</u>, 529 U.S. 473, 484 (2000); <u>Rose v. Lee</u>, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Vazquez has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. 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.

<div align="right"><u>DISMISSED</u></div>