UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7710

GARY LEROY HAYES,

              Petitioner - Appellant,

          v.

STAN BURTT, Warden; HENRY MCMASTER, Attorney General for South
Carolina,

              Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence.   Terry L. Wooten, District Judge.
(4:06-cv-01951)

Submitted: June 25, 2008   Decided: August 28, 2008

Before NIEMEYER and TRAXLER, Circuit Judges, and WILKINS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Gary Leroy Hayes, Appellant Pro Se. Donald John Zelenka, Deputy
Assistant Attorney General, Samuel Creighton Waters, Assistant
Attorney General, Columbia, South Carolina, for Appellee.

PER CURIAM:

Gary Leroy Hayes 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. 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 record and conclude that Hayes has not made the requisite showing. Accordingly, we deny a certificate of appealability 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.

DISMISSED