

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-7723

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LARRY D. HALL, II,

Petitioner - Appellant,

v.

THOMAS MCBRIDE, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Northern  
District of West Virginia, at Clarksburg. Frederick P. Stamp, Jr.,  
Senior District Judge. (1:04-cv-00256-FPS)

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Submitted: May 29, 2008

Decided: June 3, 2008

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Before TRAXLER, GREGORY and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Larry D. Hall, II, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry D. Hall, II, 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); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). In his informal brief, Hall has failed to address the district court's finding that his § 2254 petition was untimely filed. Therefore, Hall has waived appellate review of the district court's ruling. See 4th Cir. R. 34(b); Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999). 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