

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6224

EDGAR JOSEPH BIRCH,

Petitioner - Appellant,

v.

WARDEN OKALOOSA CORRECTIONAL INSTITUTION,

Respondent - Appellee,

and

GREENVILLE COUNTY SOUTH CAROLINA; SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS,

Respondents.

No. 08-6239

EDGAR JOSEPH BIRCH,

Petitioner - Appellant,

v.

WARDEN OKALOOSA CORRECTIONAL INSTITUTION,

Respondent - Appellee,

and

SOUTH CAROLINA PICKENS COUNTY; SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS,

Respondents.

Appeals from the United States District Court for the District of
South Carolina, at Charleston. G. Ross Anderson, Jr., District
Judge. (2:07-cv-03207-GRA; 2:07-cv-03206-GRA)

Submitted: June 9, 2008

Decided: June 26, 2008

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Edgar Joseph Birch, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edgar Joseph Birch seeks to appeal the district court's orders 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 Birch has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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