UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 08-6430

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JEROME J. WEST-BEY,

             Petitioner - Appellant,

      v.

R. C. MATHENA, of Coffeewood Correctional Center,

             Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, Senior District Judge. (7:07-cv-00567-JCT-MFU)

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Submitted: May 22, 2008   Decided: June 2, 2008

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Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Jerome J. West-Bey, Appellant Pro Se.   Thomas Drummond Bagwell, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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PER CURIAM:

Jerome J. West-Bey seeks to appeal the district court's order dismissing as untimely his 28 U.S.C. § 2254 (2000) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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. See 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 West-Bey has not made the requisite showing. Accordingly, we deny West-Bey's motions for appointment of counsel, to file contempt of court charges, and for an order releasing his legal files, 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