

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-7596**

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ANTHONY EUGENE BROOKS,

Petitioner - Appellant,

v.

N.N. VA. POLICE DEPT.; CITY OF N.N. VA.; JUSTICE DEPT.; U.S.  
ATTORNEY; FEDERAL BUREAU OF PRISONS; DARREN SMITH, Warden,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Henry Coke Morgan, Jr.,  
Senior District Judge. (2:08-cv-00257-HCM-JEB)

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Submitted: November 13, 2008

Decided: November 21, 2008

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Anthony Eugene Brooks, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Eugene Brooks seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition that included a complaint pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 Brooks has not made the requisite showing. Accordingly, we deny Brooks' motion to stay and his motion for discovery, 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