UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7629

JAMES WALTON HAMMOND, JR.,

Petitioner - Appellant,

v.

THEODIS BECK; ROBERT LEE,

Respondents - Appellees,

and

STATE OF NORTH CAROLINA,

Respondent.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence C. Boyle, District Judge. (5:07-HC-02108-BO)

Submitted: January 13, 2009 Decided: January 16, 2009

Before WILLIAMS, Chief Judge, and TRAXLER and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Walton Hammond, Jr., Appellant Pro Se. Mary Carla Hollis, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Walton Hammond, Jr., seeks to appeal the district court's order 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. 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 Hammond 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