UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8243

LEROY BURTON,

Petitioner - Appellant,

v.

LEROY CARTLEDGE, Warden McCormick Correctional Institution,

Respondent - Appellee,

and

HENRY D. MCMASTER,

Respondent.

Appeal from the United States District Court for the District of South Carolina, at Greenville. David C. Norton, District Judge. (6:07-cv-03030-DCN)

Submitted: July 23, 2009 Decided: July 27, 2009

Before WILKINSON and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Leroy Burton, Appellant Pro Se. James Anthony Mabry, SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE, Donald John Zelenka, Deputy Assistant Attorney General, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leroy Burton 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 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). 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)(2006). 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 record and conclude that Burton 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