

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8549

JOHN WESLEY LEE, JR.,

Petitioner - Appellant,

v.

JOHN JOSEPH CURRAN, JR., The Attorney General of the State
of Maryland; JON P. GALLEY, Warden; WARDEN BOBBY SHEARIN,

Respondents - Appellees.

No. 09-6126

JOHN WESLEY LEE, JR.,

Petitioner - Appellant,

v.

JOHN JOSEPH CURRAN, JR., The Attorney General of the State
of Maryland; JON P. GALLEY, Warden; WARDEN BOBBY SHEARIN,

Respondents - Appellees.

Appeals from the United States District Court for the District
of Maryland, at Greenbelt. Catherine C. Blake, District Judge.
(8:00-cv-03323-CCB)

Submitted: June 16, 2009

Decided: July 10, 2009

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

No. 08-8549 dismissed; No. 09-6126 affirmed by unpublished per
curiam opinion.

John Wesley Lee, Jr., Appellant Pro Se. Edward John Kelley,
OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Wesley Lee, Jr., seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. He also appeals the district court's dismissal of his motion for injunctive relief. We deny a certificate of appealability and dismiss the appeal in No. 08-8549 and affirm the district court in No. 09-6126.

As to No. 08-8549, the district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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. 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 Lee has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.

As to No. 09-6126, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Lee v. Shearin, No. 8:00-cv-03323-CCB (D. Md. Dec. 11, 2008). 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.

No. 08-8549 DISMISSED
No. 09-6126 AFFIRMED