

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7228

HENRY EARL MILLER,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA; WARDEN, FEDERAL CORRECTIONAL
INSTITUTION EDGEFIELD,

Respondents - Appellees.

No. 09-7553

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY EARL MILLER,

Defendant - Appellant.

No. 09-7651

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY EARL MILLER,

Defendant - Appellant.

No. 09-7774

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRY EARL MILLER,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at Greenville. Henry F. Floyd, District Judge. (6:09-cv-01150-HFF)

Submitted: February 11, 2010

Decided: March 11, 2010

Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

No. 09-7228 affirmed; Nos. 09-7553, 09-7651, and 09-7774 dismissed by unpublished per curiam opinion.

Henry Earl Miller, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In Appeal No. 09-7228, Henry Earl Miller, a federal prisoner, appeals the district court's order and judgment accepting the recommendation of the magistrate judge and dismissing without prejudice his 28 U.S.C. § 2241(c)(3) (2006) petition. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Miller, No. 6:09-cv-01150-HFF (D.S.C. filed June 17, 2009; entered June 18, 2009).

In Appeals Nos. 09-7553, 09-7651, and 09-7774, Miller filed a motion for certificates of appealability and seeks to appeal: (1) the district court's text order dismissing without prejudice his "motion/request to be informed why this court will not apply [United States] v. Blackstock, 513 F.3d 128 (4th Cir. 2008) to this case," and "motion/demand that attached 28 U.S.C. § 2255 [(West Supp. 2009)] motion be accepted and filed as a first § 2255 motion as mandated in [United States] v. Blackstock, 513 F.3d 128 (4th Cir. 2008);" (2) the district court's text order denying his "motion to be informed if the district court got the 'air tight guilty plea' out of the defendant that it so desperately campaigned to procure;" and (3) the district court's text order denying his "motion to be informed if Defendant's consecutive sentences under both [18 U.S.C.] § 2113(d) [(2006)] & [18 U.S.C.] § 924(c) [(2006)] based

on his singular offense of 'collecting money' does not violate the double jeopardy clause."

These matters are not appealable unless a circuit judge or justice issues certificates of appealability, and certificates 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 habeas appellant meets this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. Miller-El v. Cockrell, 537 U.S. 322, 326 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Miller has not made the requisite showing. Accordingly, we deny Miller's motion for certificates of appealability and dismiss Appeals Nos. 09-7553, 09-7651, and 09-7774.

We further deny Miller's pending motions to address failure of counsel, to accept apology, and for clarification. 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. 09-7228 AFFIRMED
Nos. 09-7553, 09-7651, and 09-7774 DISMISSED