UNPUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 09-7844

JOHNNIE L. JOHNSON,

Petitioner - Appellant,

v.

LEROY CARTLEDGE, Acting Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. G. Ross Anderson, Jr., Senior District Judge. (0:08-cv-02071-GRA)

._____

Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Johnnie L. Johnson, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

Submitted: December 17, 2009 Decided: December 31, 2009

PER CURIAM:

Johnnie L. Johnson seeks to appeal the district court's order accepting the recommendation of the magistrate and denying relief on his 28 U.S.C. § 2254 (2006) judqe 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 showing of issue absent "a substantial the denial of а constitutional right." 28 U.S.C. § 2253(c)(2) (2006). Α 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 Johnson has not made the requisite showing. Accordingly, we denv 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

2