

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7119

WILLIAM CLAYTON MCKINNEDY, III,
Petitioner - Appellant,

v.

CECILIA R. REYNOLDS,
Respondent - Appellee.

No. 10-7180

WILLIAM CLAYTON MCKINNEDY, III,
Petitioner - Appellant,

v.

CECILIA R. REYNOLDS,
Respondent - Appellee.

Appeals from the United States District Court for the District
of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior
District Judge. (6:10-cv-01247-HMH)

Submitted: January 18, 2011

Decided: January 26, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Clayton McKinnedy, III, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Clayton McKinnedy, III, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief without prejudice on his 28 U.S.C. § 2254 (2006) petition and the district court's order denying his Fed. R. Civ. P. 59(e) motion to alter or amend the judgment. The orders are 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85. We have independently reviewed the record and conclude that McKinnedy has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeals. McKinnedy's motion for relief from retaliation is

denied. 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