

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7347

DENNIS J. JACKSON, a/k/a Dennis J. Jackson, Sr., a/k/a
Dennis James Jackson,

Petitioner - Appellant,

v.

WARDEN BROAD RIVER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Margaret B. Seymour, District
Judge. (8:09-cv-00906-MBS)

Submitted: January 28, 2011

Decided: February 23, 2011

Before GREGORY, SHEDD, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dennis J. Jackson, Appellant Pro Se. Donald John Zelenka,
Deputy Assistant Attorney General, James Anthony Mabry,
Assistant Attorney General, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis J. Jackson seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition in which he alleged that the trial court improperly admitted DNA evidence against him, that he was provided ineffective assistance of counsel, that he was deprived of a speedy trial, and that he was deprived of a preliminary hearing. The 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). 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 Jackson 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