UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7399

DAVID EZEL SIMPSON,

                  Petitioner - Appellant,

            v.

LARRY DAIL, Superintendent,

                  Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Louise W. Flanagan,
Chief District Judge. (5:09-hc-02109-FL)

Submitted: April 7, 2011   Decided: April 27, 2011

Before MOTZ, GREGORY, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Ezel Simpson, Appellant Pro Se. Mary Carla Hollis,
Assistant Attorney General, Raleigh, North Carolina, for
Appellee.

PER CURIAM:

David Ezel Simpson, a state prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2010) 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 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 Simpson 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