

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7601**

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ISIAH JAMES, JR.,

Petitioner - Appellant,

v.

WARDEN RIDGELAND CORRECTIONAL INSTITUTION,

Respondent - Appellee,

and

JON OZMINT,

Respondent.

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Appeal from the United States District Court for the District of South Carolina, at Aiken. Terry L. Wooten, District Judge. (1:08-cv-02256-TLW)

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Submitted: October 25, 2011

Decided: November 4, 2011

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Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Isiah James, Jr., Appellant Pro Se. Tommy Evans, Jr., SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICE, Columbia, South Carolina; Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Isiah James, Jr., seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition, and denying his subsequent Fed. R. Civ. P. 59(e) motion. These orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (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 James has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny James' motion for leave to file a motion pursuant to Federal Rule of Civil Procedure 60(b). 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