

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6550**

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ANTHONY QUINTIN KELLY,

Petitioner - Appellant,

v.

BOBBY P. SHEARIN, Warden; DOUGLAS F. GANSLER, Attorney  
General,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Greenbelt. Alexander Williams, Jr., District  
Judge. (8:11-cv-00262-AW)

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Submitted: July 21, 2011

Decided: July 26, 2011

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Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON,  
Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Anthony Quintin Kelly, Appellant Pro Se. Edward John Kelley,  
OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Quintin Kelly seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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 Kelly has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny as moot Kelly's motion to withdraw his motion to extend time to file informal opening brief which was granted on May 11, 2011, deny all of Kelly's other pending motions, 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