

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6662

RONALD G. WHITESIDE,

Petitioner - Appellant,

v.

SCOTLAND COUNTY SUPERIOR COURT,

Respondent - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. Wallace W. Dixon,
Magistrate Judge. (1:10-cv-00386-WWD-WWD)

Submitted: August 15, 2011

Decided: September 20, 2011

Before KING, GREGORY, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ronald G. Whiteside, Appellant Pro Se. Clarence Joe DelForge,
III, Assistant Attorney General, Raleigh, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald G. Whiteside seeks to appeal the magistrate judge's orders denying relief on his 28 U.S.C. § 2254 (2006) petition, finding it was untimely, see 28 U.S.C. § 2244(d) (2006), and denying a post-judgment motion seeking to "address the limit."* The order is 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 relief is denied on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the magistrate judge'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 relief is denied 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 Whiteside has not made the requisite showing.

* The parties consented to the exercise of jurisdiction by the magistrate judge pursuant to 28 U.S.C. § 636(c) (2006).

Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, deny the motion for appointment of counsel 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