UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 11-7201

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STACEY D. FARMER,

                Petitioner - Appellant,

        v.

G. HINKLE, Chief Warden,

                Respondent - Appellee.

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Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria.   Anthony John Trenga,
District Judge. (1:10-cv-01384-AJT-JFA)

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Submitted: December 20, 2011   Decided: December 23, 2011

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Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Stacey D. Farmer, Appellant Pro Se.   Joshua Mikell Didlake,
Assistant Attorney General, Richmond, Virginia, for Appellee.

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PER CURIAM:

Stacey D. Farmer seeks to appeal the district court's order dismissing as untimely his 28 U.S.C. § 2254 (2006) petition. This 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 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 Farmer has not made the requisite showing. Accordingly, we deny Farmer's motion for 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.

<div align="right">DISMISSED</div>