

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6435

ROBERT EARL BURNEY, JR.,

Petitioner - Appellant,

v.

MAJOR MCRAINEY; EARL R. BUTLER,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:12-cv-00008-NCT-LPA)

Submitted: July 30, 2012

Decided: August 7, 2012

Before AGEE, DUNCAN, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Earl Burney, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Earl Burney, Jr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and 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. 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 Burney has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We deny Burney's motions for appointment of counsel; "Motion to Bring Formal

Charges of Civil Rights Violations Against Major McRaine and Sheriff Earl R. Butler;" motion to include the State of North Carolina as respondent; "Motion for Courts to Recognize Civil Rights Violations by the Cumberland County Detention Center (CCDC);" motion to include North Carolina Attorney General Roy Cooper as respondent; motion to enter evidence; motion for appeal; motions "for a writ of habeas corpus;" and motion for injunctive relief. Finally, 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