

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6472

GEORGE MAURICE T. ADAMS,
Petitioner - Appellant,

v.

ANTHONY PADULA, Warden; ALAN WILSON, Attorney General,
Respondents - Appellees,
and

HENRY MCMASTER,
Respondent.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. David C. Norton, District Judge.
(3:11-cv-00031-DCN)

Submitted: January 31, 2013

Decided: March 8, 2013

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Maurice T. Adams, Appellant Pro Se. Donald John Zelenka,
Senior Assistant Attorney General, William Edgar Salter, III,
Assistant Attorney General, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Maurice T. Adams seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing as untimely 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

* To the extent Adams also seeks to appeal the district court's post-judgment order denying his motion for counsel, we lack jurisdiction to review that order. Adams did not file a notice of appeal from the order denying his motion for counsel and his informal appellate brief was not filed within the applicable appeal period. See Smith v. Barry, 502 U.S. 244, 245 (1992) (holding that appellate brief may serve as notice of appeal provided it otherwise complies with rules governing proper timing and substance).

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 Adams has not made the requisite showing. Accordingly, we deny his 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 this court and argument would not aid the decisional process.

DISMISSED