

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7936

SHAWN DUPREE CORPENING-BEY,

Petitioner - Appellant,

v.

ALVIN W. KELLER; REUBEN F. YOUNG; DUANE TERRELL; ROBERT C.
LEWIS,

Respondents - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Robert J. Conrad,
Jr., Chief District Judge. (1:12-cv-00300-RJC)

Submitted: March 13, 2013

Decided: March 29, 2013

Before NIEMEYER, FLOYD, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Shawn Dupree Corpening-Bey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Dupree Corpening-Bey seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition as successive. 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 motion 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 Corpening-Bey has not made the requisite showing. Accordingly, we deny 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