

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-6252**

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ELIJAH BATTLE, JR., a/k/a Elijah Battle,  
Petitioner - Appellant,

v.

WARDEN OF ALLENDALE CORRECTIONAL INSTITUTION,  
Respondent - Appellee,

and

SOUTH CAROLINA,

Respondent.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. David C. Norton, District Judge.  
(8:11-cv-03462-DCN)

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Submitted: July 25, 2013

Decided: July 29, 2013

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Before GREGORY, DAVIS, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Elijah Battle, Jr., Appellant Pro Se. Alphonso Simon, Jr.,  
Assistant Attorney General, Columbia, South Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elijah Battle, 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 Battle 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