

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7159**

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MARVIN W. MILLSAPS,

Petitioner - Appellant,

v.

LEWIS SMITH, Administrator, Albemarle Correctional  
Institution,

Respondent - Appellee,

and

BUTCH JACKSON, Administrator, Nash Correctional Institution,

Respondent.

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Appeals from the United States District Court for the Western  
District of North Carolina, at Statesville. Robert J. Conrad,  
Jr., District Judge. (5:12-cv-00146-RJC)

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Submitted: October 17, 2013

Decided: October 21, 2013

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Before AGEE, DAVIS, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Marvin W. Millsaps, Appellant Pro Se. Mary Carla Hollis,  
Assistant Attorney General, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marvin W. Millsaps seeks to appeal the district court's order 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. See 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 Millsaps has not made the requisite showing. Accordingly, we deny Millsaps's motion for a certificate of appealability and dismiss the appeal. We deny as well Millsaps's other pending motions, and 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