

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-7396**

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ALBERT LEWIS PERRY, JR.,

Petitioner - Appellant,

v.

THE COMMONWEALTH OF VIRGINIA; MARK RANKIN HERRING, Attorney  
General of the Commonwealth of Virginia; HAROLD W. CLARKE,  
Director of the Virginia Department of Corrections; MARIE  
M. VARGO, Warden of Sussex II State Prison, Waverly,  
Virginia,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Henry E. Hudson, District  
Judge. (3:13-cv-00327-HEH)

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Submitted: February 28, 2014

Decided: March 6, 2014

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Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Michael March Brownlee, Patrick Michael Megaro, BROWNSTONE LAW  
FIRM, PA, Winter Park, Florida, for Appellant. Steven Andrew  
Witmer, Senior Assistant Attorney General, Richmond, Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Albert Lewis Perry, Jr., seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) 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) (2012). 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) (2012). 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 Perry 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