

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6335

JEFFREY FRANKLIN WASHINGTON,

Petitioner - Appellant,

v.

HAROLD CLARKE, Director, Virginia Department of Corrections,

Respondent - Appellee,

and

COMMONWEALTH OF VIRGINIA,

Respondent.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Michael F. Urbanski, District
Judge. (7:13-cv-00526-MFU-RSB)

Submitted: June 26, 2014

Decided: June 30, 2014

Before WILKINSON, KING, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeffrey Franklin Washington, Appellant Pro Se. Susan Mozley
Harris, Assistant Attorney General, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Franklin Washington seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition as successive. 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 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 v. McDaniel, 529 U.S. 473, 484-85 (2000).

We have independently reviewed the record and conclude that Washington has not made the requisite showing. Accordingly, we deny Washington's motions for appointment of counsel and for "Humanitarian 'Electronic Ankle Bracelet' Parole-Type Release," 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