

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6499**

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SYLVESTER SINGLETARY,

Petitioner - Appellant,

v.

WARDEN JOSEPH MCFADDEN, Lieber Correctional Institution,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. R. Bryan Harwell, District Judge. (8:13-cv-00804-RBH)

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Submitted: August 12, 2014

Decided: August 20, 2014

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Before SHEDD, AGEE, and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Sylvester Singletary, Appellant Pro Se. James Anthony Mabry, Assistant Attorney General, Donald John Zelenka, Senior Assistant Attorney General, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sylvester Singletary seeks to appeal the district court's order accepting the recommendation of the magistrate judge as modified and 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. 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 Singletary has not made the required showing. Accordingly, we deny a certificate of appealability, deny the motion to appoint counsel, 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