

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6610

TIMOTHY ENOS EDENS, SR.,
Petitioner - Appellant,

v.

WILLIE EAGLETON, Warden,
Respondent - Appellee.

No. 14-6720

TIMOTHY ENOS EDENS, SR.,
Petitioner - Appellant,

v.

WILLIE EAGLETON, Warden,
Respondent - Appellee.

Appeals from the United States District Court for the District
of South Carolina, at Orangeburg. Solomon Blatt, Jr., Senior
District Judge. (5:12-cv-03427-SB)

Submitted: July 29, 2014 Decided: August 1, 2014

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Timothy Enos Edens, Sr., Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, James Anthony Mabry, Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Enos Edens, Sr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing as untimely his 28 U.S.C. § 2254 (2012) petition. Edens also seeks to appeal the district court's order denying his motion to alter or amend the judgment under Fed. R. Civ. P. 59(e). These orders are 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 Edens has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeals. 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