

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6650

TAVON L. PAULEY,

Petitioner - Appellant,

v.

DIRECTOR HAROLD W. CLARKE, Virginia Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:13-cv-00714-LMB-TCB)

Submitted: October 21, 2014

Decided: October 23, 2014

Before SHEDD, DUNCAN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Tavon L. Pauley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tavon L. Pauley seeks to appeal the district court's order denying relief on his "Motion to Correct Judicial Error, Oversight, and Clerical Error" and his "Petition for Writ of Liberating Exigenis in Itinere," filed in his habeas proceedings after his 28 U.S.C. § 2254 (2012) petition was dismissed as untimely filed. 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 Pauley 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

* To the extent Pauley seeks to appeal the district court's orders dismissing his § 2254 petition and his first "motion to correct judicial error, oversight, and clerical error," we dismiss the appeal for lack of jurisdiction because Pauley's notice of appeal was not timely filed as to those orders.