

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6551

SHAHEEN CABBAGESTALK,

Petitioner - Appellant,

v.

WARDEN J. MCFADDEN,

Respondent - Appellee.

No. 15-7161

SHAHEEN CABBAGESTALK,

Petitioner - Appellant,

v.

WARDEN J. MCFADDEN,

Respondent - Appellee.

Appeals from the United States District Court for the District of South Carolina, at Orangeburg. Kaymani Daniels West, Magistrate Judge. (5:14-cv-03771-RMG-KDW); Richard Mark Gergel, District Judge. (5:14-cv-03771-RMG)

Submitted: December 17, 2015

Decided: December 21, 2015

Before DIAZ and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Shaheen Cabbagstalk, Appellant Pro Se. Alphonso Simon, Jr., Assistant Attorney General, Donald John Zelenka, Senior Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaheen Cabbagstalk seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on Cabbagstalk's 28 U.S.C. § 2254 (2012) petition, denying various motions to amend and for recusal, and denying his Fed. R. Civ. P. 59(e) motion.

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 Cabbagstalk has not made the requisite showing for a certificate of appealability. Accordingly, we deny a

certificate of appealability and dismiss the appeal. We deny all of Cabbagstalk's pending motions. 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