

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6345

STEPHEN ANDREW BECKHAM, a/k/a Stephen A. Beckham,

Petitioner - Appellant,

v.

LEROY CARTLEDGE, McCormick Correctional Institution,

Respondent - Appellee,

and

BRYAN STIRLING, Commissioner South Carolina Department of
Corrections,

Respondent.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Mary G. Lewis, District Judge.
(6:14-cv-04358-MGL)

Submitted: October 14, 2016

Decided: October 26, 2016

Before DUNCAN, KEENAN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Elizabeth Anne Franklin-Best, BLUME, NORRIS & FRANKLIN-BEST,
LLC, Columbia, South Carolina, for Appellant. Donald John
Zelenka, Senior Assistant Attorney General, Columbia, South
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stephen Andrew Beckham seeks to appeal the district court's order accepting, in part, the recommendation of the magistrate judge 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 Beckham 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