

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6374

OZELIA HICKS, JR.,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of Virginia Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Roderick Charles Young,
Magistrate Judge. (3:15-cv-00123-RCY)

Submitted: July 28, 2016

Decided: August 2, 2016

Before MOTZ and HARRIS, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Ozelia Hicks, Jr., Appellant Pro Se. Leah A. Darron, OFFICE OF
THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ozelia Hicks, Jr., seeks to appeal the magistrate judge's order 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. 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 magistrate judge denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the magistrate judge'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 magistrate judge 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 Hicks has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. In light

* The parties consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c)(2012).

of this disposition, we deny Hicks' motions for bail/release pending appeal, to compel, to amend/correct, and for other relief. 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