

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6426

KEITH D. GOODMAN,

Plaintiff - Appellant,

v.

EDDIE PEARSON, Warden, Greensville Corr. Center,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:14-cv-01335-GBL-MSN)

Submitted: July 28, 2016

Decided: August 2, 2016

Before GREGORY, Chief Judge, SHEDD, Circuit Judge, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Keith D. Goodman, Appellant Pro Se. Richard Carson Vorhis, Senior Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith D. Goodman seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition.¹ 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

¹ Although Goodman argues that a certificate of appealability is not required and claims that the district court erred in refusing to consider his petition under 28 U.S.C. § 2241 (2012), his argument is squarely foreclosed by our recent decision in In re Wright, ___ F.3d ___, ___, No. 15-281, 2016 WL 3409851, *7 (4th Cir. June 21, 2016) (holding that "when a prisoner being held pursuant to the judgment of a State court files a habeas petition claiming the execution of his sentence is in violation of the Constitution, laws, or treaties of the United States, the more specific § 2254 and all associated statutory requirements shall apply, regardless of the statutory label the prisoner chooses to give his petition" (alterations and citation omitted)).

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 Goodman has not made the requisite showing. Accordingly, we deny Goodman's motions² for a certificate of appealability, deny leave to proceed in forma pauperis, 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

² Goodman has filed a motion for a certificate of appealability in this court. He also filed a motion for reconsideration of the district court's denial of a certificate of appealability, which the district court transferred to this court and we now construe as a motion for a certificate of appealability.