

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6521

BARNEY ADRIAN DUNLAP,

Petitioner - Appellant,

v.

DAVID MITCHELL, Superintendent, Lanesboro Correctional
Institution,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Frank D. Whitney,
Chief District Judge. (5:15-cv-00139-FDW)

Submitted: September 29, 2016 Decided: October 4, 2016

Before SHEDD, KEENAN, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Barney Adrian Dunlap, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barney Adrian Dunlap seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2012) petition and denying his motion to alter or amend the judgment. The 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 Dunlap has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. Dunlap's motions to expand the record, to place the case in abeyance, to amend or correct

the petition, to appoint counsel, for a transcript at Government expense, and for an evidentiary hearing are denied. 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