

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 16-7256**

---

JASON THOMPSON,

Petitioner - Appellant,

v.

CHRISTOPHER ZYCH,

Respondent - Appellee.

---

Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Norman K. Moon, Senior  
District Judge. (7:15-cv-00444-NKM-RSB)

---

Submitted: January 25, 2017

Decided: February 1, 2017

---

Before TRAXLER, KING, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Jason Thompson, Appellant Pro Se. Sara Bugbee Winn, OFFICE OF  
THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Thompson, a District of Columbia prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2241 (2012) petition.<sup>1</sup> The order is not appealable unless a circuit justice or judge issues a certificate of appealability.<sup>2</sup> 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.

---

<sup>1</sup> Thompson challenges disciplinary action taken against him while he was housed at the Federal Correctional Institution in Bennettsville, South Carolina.

<sup>2</sup> Because Thompson was convicted in a District of Columbia court, he is required to obtain a certificate of appealability in order to appeal the denial of his § 2241 petition. See Madley v. United States Parole Comm'n, 278 F.3d 1306 (D.C. Cir. 2002).

We have independently reviewed the record and conclude that Thompson has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. Thompson's motion for appointment of counsel is 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