

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7432

DAVID GREGORY LANDECK,

Petitioner - Appellant,

v.

DAVID ZOOK, Warden, Bland Correctional Center,

Respondent - Appellee.

No. 16-7514

CHRISTOPHER TODD LANDECK,

Petitioner - Appellant,

v.

I. T. GILMORE, Warden – Coffewood Correctional Center,

Respondent - Appellee.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Roderick C. Young, Magistrate Judge. (3:15-cv-00106-RCY; 3:15-cv-00105-RCY)

Submitted: April 28, 2017

Decided: May 10, 2017

Before SHEDD and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

David Gregory Landeck; Christopher Todd Landeck, Appellants Pro Se. Benjamin Hyman Katz, Assistant Attorney General, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Gregory Landeck and Christopher Todd Landeck seek to appeal the magistrate judge's orders denying relief on their 28 U.S.C. § 2254 (2012) petitions.* 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 the Landecks have not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeals. We further deny the motion for a second brief following the certificate of appealability ruling. We dispense with oral

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

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