

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7465

ROBERT HAUGHIE,

Petitioner - Appellant,

v.

DAVID BLUMBERG, Chairman; ASRESAHEGN GETACHEW, M.D.; YONAS
SISAY, M.D.,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, Senior District Judge.
(1:16-cv-03201-JFM)

Submitted: February 23, 2017

Decided: April 5, 2017

Before SHEDD and DIAZ, Circuit Judges, and DAVIS, Senior Circuit
Judge.

Affirmed in part; dismissed in part by unpublished per curiam
opinion.

Robert Haughie, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Haughie, a state prisoner, appeals the district court's order denying relief in Haughie's action seeking medical parole and damages. We affirm in part and dismiss in part.

To the extent that Haughie seeks medical parole, the district court's denial of relief is 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 Haughie has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal in part.

As to Haughie's appeals from the district court's dismissal of his claims for monetary damages, we have reviewed the record and find that Haughie failed to demonstrate that he is entitled to relief. Accordingly, we affirm this portion of the district court's order. 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.

AFFIRMED IN PART;
DISMISSED IN PART