

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-7468**

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RODNEY WILLIAM PITTS,

Petitioner - Appellant,

v.

FRANK BISHOP, JR.; BRIAN E. FROSH, The Attorney General of the  
State of Maryland,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. J. Frederick Motz, Senior District Judge.  
(1:16-cv-01493-JFM)

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Submitted: January 31, 2017

Decided: February 3, 2017

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Before WILKINSON, KEENAN, and THACKER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Rodney William Pitts, Appellant Pro Se. Edward John Kelley, OFFICE  
OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney William Pitts seeks to appeal the district court's order dismissing as untimely his 28 U.S.C. § 2254 (2012) petition. The order 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 Pitts has not made the requisite showing. Accordingly, we deny 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