

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-6274**

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THOMAS EARL GLADDEN, SR.,

Petitioner - Appellant,

v.

MATT BARBER, Warden; 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 Greenbelt.  
Theodore D. Chuang, District Judge. (8:16-cv-01257-TDC)

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Submitted: June 20, 2017

Decided: June 23, 2017

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Before SHEDD, WYNN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas Earl Gladden, Sr., 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Unpublished opinions are not binding precedent in this circuit.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:

Thomas Earl Gladden, Sr., 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 Gladden has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny Gladden's motions for the appointment of counsel and transcripts at Government expense, 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*