

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6951

OLANDIO RAY WORKMAN,

Petitioner - Appellant,

v.

DIRECTOR GREENVILLE COUNTY DETENTION CENTER,

Respondent - Appellee,

and

STATE OF SOUTH CAROLINA; GREENVILLE COUNTY COURTHOUSE
13TH; JOHN VANDERMOSTEN, Assistant Administrative Director; MR.
BODIFORD, Deputy Director,

Respondents.

Appeal from the United States District Court for the District of South Carolina, at
Greenville. R. Bryan Harwell, District Judge. (6:17-cv-00767-RBH)

Submitted: November 21, 2017

Decided: November 28, 2017

Before WYNN and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Olandio Ray Workman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Olandio Ray Workman, a state pretrial detainee, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief without prejudice on his 28 U.S.C. § 2241 (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 Workman has not made the requisite showing. Accordingly, we deny Workman's motion to dismiss the indictment, deny a certificate of appealability, 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