

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7379

BERNARD BAGLEY,

Petitioner - Appellant,

v.

DAVID DUNLAP, Warden,

Respondent - Appellee,

and

SC PAROLE BOARD; SC DEPT OF PROBATION, PAROLE, AND PARDON
SERVICES,

Respondents.

Appeal from the United States District Court for the District of South Carolina, at
Orangeburg. Terry L. Wooten, Chief District Judge. (5:16-cv-03924-TLW)

Submitted: February 22, 2018

Decided: February 27, 2018

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Bernard Bagley, Appellant Pro Se. Tommy Evans, Jr., SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICE, Columbia, South

Carolina, for Appellee.



Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard Bagley, a state prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief 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 Bagley has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis, 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