

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6090

MARK MADISON LOWE,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Roderick Charles Young, Magistrate Judge. (3:17-cv-00292-RCY)

Submitted: May 17, 2018

Decided: May 21, 2018

Before KING and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Mark Madison Lowe, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Madison Lowe seeks to appeal the magistrate judge's orders denying relief on his 28 U.S.C. § 2254 (2012) petition and his subsequent Fed. R. Civ. P. 59(e) motion.* The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 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 Lowe has not made the requisite showing. Accordingly, we grant Lowe's motion for leave to use the original record, deny Lowe's motion for a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately

* The parties consented to the jurisdiction of a federal magistrate judge pursuant to 28 U.S.C. § 636(c) (2012).

presented in the materials before this court and argument would not aid the decisional process.

DISMISSED