

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6252

SHaidon BLAKE,

Plaintiff - Appellant,

v.

BRIAN FISH, States Attorney Office; DERRELL MERRICK; ANTHONY FATA;
BALTIMORE CITY POLICE DEPT.,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Paul W. Grimm, District Judge. (8:18-cv-00137-PWG)

Submitted: May 17, 2018

Decided: May 21, 2018

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

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Shaidon Blake, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaidon Blake filed a complaint in which he alleged errors in his state court conviction and sought both immediate release from custody and monetary damages. The district court construed the complaint as seeking relief under 42 U.S.C. § 1983 (2012) and as a 28 U.S.C. § 2254 (2012) petition. As to the § 1983 claims, the court denied relief because the claims were barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). We have reviewed the record and find no reversible error. Accordingly, we affirm the dismissal of the complaint to the extent it asserted § 1983 claims for the reasons stated by the district court. *Blake v. Fish*, No. 8:18-cv-00137-PWG (D. Md., Feb. 15, 2018).

To the extent the complaint asserted claims cognizable under § 2254, the district court dismissed it as a successive petition. The court's order is 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 Blake has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal in part.

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 IN PART;
AFFIRMED IN PART*