

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-7336**

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WAKEEL ABDUL-SABUR,

Petitioner - Appellant,

v.

STATE OF VIRGINIA,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at  
Roanoke. Glen E. Conrad, District Judge. (7:18-cv-00367-GEC-RSB)

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Submitted: December 20, 2018

Decided: December 27, 2018

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Before DIAZ and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Wakeel Abdul-Sabur, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Virginia inmate Wakeel Abdul-Sabur seeks to appeal the district court's orders construing his 28 U.S.C. § 2241 (2012) petition as a successive 28 U.S.C. § 2254 (2012) petition and dismissing it on that basis and denying his motion to alter or amend judgment.\* The orders are 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 Abdul-Sabur 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

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\* Abdul-Sabur's motion seeking reconsideration of the dismissal order was filed within the 28-day period for filing a motion to alter or amend judgment under Fed. R. Civ. P. 59(e) and is properly treated as such. See *Robinson v. Wix Filtration Corp. LLC*, 599 F.3d 403, 412 & n.11 (4th Cir. 2010).

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*