

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-6188

ABDUAL KAREEN STITH,

Petitioner - Appellant,

v.

LYNDIA PERSON RAMSEY, Commonwealth Attorney,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:18-cv-01585-LO-TCB)

Submitted: April 25, 2019

Decided: April 30, 2019

Before FLOYD and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Abdual Kareen Stith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Abdual Kareen Stith seeks to appeal the district court's order dismissing without prejudice his 28 U.S.C. § 2254 (2012) petition.* The 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.

Stith fails to challenge in his informal brief the district court's procedural ruling and, therefore, has not made the requisite showing. See 4th Cir. R. 34(b) (limiting review to issues raised in informal brief). Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, deny Stith's request to appoint counsel, and dismiss the appeal. We dispense with oral argument because the facts and legal

* We conclude that the district court's order is final and appealable because no amendment could cure the defects identified by the court. See *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015).

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

DISMISSED