

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6660**

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BRIAN KEITH AUSTIN,

Petitioner - Appellant,

v.

WARDEN GAIL WATTS; STATES ATTORNEY BEVERLY SMITH,

Respondents - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
Deborah Lynn Boardman, District Judge. (1:22-cv-00742-DLB)

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Submitted: November 17, 2022

Decided: November 23, 2022

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Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Brian Keith Austin, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Keith Austin, a state pretrial detainee, seeks to appeal the district court's order dismissing without prejudice his 28 U.S.C. § 2241 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). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Limiting our review of the record to the issues raised in Austin's informal brief, we conclude that Austin has not made the requisite showing. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). Accordingly, we 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*