

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7176

JONATHAN GLENN DOWDY, a/k/a Jonathan G. Dowdy, a/k/a
Jonathan M. Dowdy,

Petitioner - Appellant,

v.

WARDEN BROAD RIVER CORRECTIONAL INSTITUTION,

Respondent - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Patrick M. Duffy, District Judge.
(8:07-cv-01706-PMD)

Submitted: January 13, 2009

Decided: January 15, 2009

Before WILLIAMS, Chief Judge, and TRAXLER and KING, Circuit
Judges.

Dismissed by unpublished per curiam opinion.

Jonathan Glenn Dowdy, Appellant Pro Se. James Anthony Mabry,
Columbia, South Carolina, Donald John Zelenka, Deputy Assistant
Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jonathan Glenn Dowdy seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing as untimely his 28 U.S.C. § 2254 (2000) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). 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) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Dowdy has not made the requisite showing. 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 the court and argument would not aid the decisional process.

DISMISSED