

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  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

---

**No. 23-7046**

---

DON GARFIELD GALLOWAY,

Petitioner - Appellant,

v.

DONNIE AMES, Superintendent, Mount Olive Correctional Complex; R. S.  
MUTTER, Superintendent,

Respondents - Appellees.

---

Appeal from the United States District Court for the Southern District of West Virginia, at  
Beckley. Frank W. Volk, District Judge. (5:17-cv-00993)

---

Submitted: March 28, 2024

Decided: April 2, 2024

---

Before KING and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Don Garfield Galloway, Appellant Pro Se. Lindsay Sara See, Michael Ray Williams,  
OFFICE OF THE ATTORNEY GENERAL OF WEST VIRGINIA, Charleston, West  
Virginia, for Appellees.

---

Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Don Garfield Galloway seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on Galloway's amended 28 U.S.C. § 2254 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). 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*, 580 U.S. 100, 115-17 (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)).

We have independently reviewed the record and conclude that Galloway 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 this court and argument would not aid the decisional process.

*DISMISSED*