

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7116

ROBERT JAMES CASON,

Petitioner - Appellant,

v.

NANCY ROUSE, Warden; SALLY D. ADKINS, Chairperson; STEVEN P. LEMMEY, Investigative Counsel; STATE OF MARYLAND COMMISSION ON JUDICIAL DISABILITIES,

Respondents - Appellees.

No. 08-7607

ROBERT JAMES CASON,

Petitioner - Appellant,

v.

NANCY ROUSE, Warden; SALLY D. ADKINS, Chairperson; STEVEN P. LEMMEY, Investigative Counsel; STATE OF MARYLAND COMMISSION ON JUDICIAL DISABILITIES,

Respondents - Appellees.

Appeals from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge. (1:08-cv-01068-AMD)

Submitted: November 13, 2008

Decided: November 20, 2008

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

No. 08-7116 affirmed; No. 08-7607 dismissed by unpublished per curiam opinion.

Robert James Cason, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Robert James Cason seeks to appeal the district court's orders denying without prejudice relief on his 28 U.S.C. § 2254 (2000) petition and denying his civil rights complaint. That part of the order denying his § 2254 petition is not appealable unless a circuit justice or judge issues a certificate of appealability. See 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. See 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 Cason has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal from the order denying § 2254 relief.

With respect to his civil rights complaint, we have reviewed the record and the district court's memorandum and order and affirm the order on the reasoning of the district

court. See Cason v. Warden, No. 1:08-cv-01068-AMD (D. Md. June 4, 2008).

Accordingly, we affirm the district court order dismissing the civil rights complaint and deny a certificate of appealability and dismiss the appeal from the order denying § 2254 relief. We also deny Cason's motion for appointment of counsel and for production of documents. 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.

No. 08-7116 AFFIRMED;
No. 08-7607 DISMISSED