

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6490

BILLY ROY BOYD,

Petitioner - Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent - Appellee.

No. 12-6553

BILLY ROY BOYD,

Petitioner - Appellant,

v.

BERNARD MCKIE, Warden of Kirkland Correctional Institution,

Respondent - Appellee,

and

ALAN WILSON,

Respondent.

Appeals from the United States District Court for the District of South Carolina, at Aiken. Terry L. Wooten, District Judge; Timothy M. Cain, District Judge. (1:11-cv-02981-TLW; 1:12-cv-00201-TLW)

Submitted: February 28, 2013

Decided: March 12, 2013

Before KING and AGEE, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Billy Roy Boyd, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Billy Roy Boyd, a state prisoner, seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and dismissing his motion and his 28 U.S.C. § 2254 (2006) petition without prejudice. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2006). 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) (2006). 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.

We have independently reviewed the record and conclude that Boyd has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeals. 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