

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-6806**

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LARRY G. HARVIN,

Petitioner - Appellant,

v.

WARDEN LEROY CARTLEDGE,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. R. Bryan Harwell, District Judge. (8:13-cv-03515-RBH)

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Submitted: October 21, 2014

Decided: October 24, 2014

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Before SHEDD, DUNCAN, and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Larry G. Harvin, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry G. Harvin seeks to appeal the district court's orders adopting the recommendation of the magistrate judge to dismiss Harvin's 28 U.S.C. § 2254 (2012) petition as an unauthorized, successive petition, and denying Harvin's Fed. R. Civ. P. 59(e) motion to alter or amend that judgment. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). 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) (2012). 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 Harvin 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