

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7773

ROGER STEVENSON,

Petitioner - Appellant,

v.

SORRELL SAUNDERS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (5:13-hc-02171-F)

Submitted: February 25, 2015

Decided: March 2, 2015

Before NIEMEYER, KING, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Roger Stevenson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Stevenson seeks to appeal the district court's order dismissing as time-barred his 28 U.S.C. § 2254 (2012) petition.* The order is 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). 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.

* In his informal brief, Stevenson states he also seeks to appeal the district court's November 24, 2014 order denying his motion for a new trial and motion for relief from judgment. We may not review this order because Stevenson did not designate it as one for which he sought appellate review in his notice of appeal. See Jackson v. Lightsey, ___ F.3d ___, No. 13-7291, 2014 WL 7210989, at **4-5 (4th Cir. Dec. 18, 2014).

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