

UNPUBLISHED

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

No. 17-7239

KARREEM TISLAM JABAR WILEY,

Petitioner - Appellant,

v.

WARDEN LARRY CARTLEDGE,

Respondent - Appellee,

and

ATTORNEY GENERAL ALAN WILSON,

Respondent.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. J. Michelle Childs, District Judge. (0:15-cv-02262-JMC)

Submitted: February 22, 2018

Decided: February 26, 2018

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Karreem Tislam Jabar Wiley, Appellant Pro Se. Donald John Zelenka, Deputy Attorney General, James Anthony Mabry, Assistant Attorney General, OFFICE OF THE

ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Karreem Tislam Jabar Wiley seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on 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) (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 Wiley 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

FILED: February 26, 2018

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JUDGMENT

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: March 26, 2018

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O R D E R

On February 26, 2018, the court filed its opinion and judgment dismissing this appeal and notifying the parties that any petition for rehearing must be filed within 14 days of judgment. On March 23, 2018, the court received appellant's

motion for reconsideration of the court's decision. The postmark and certificate of service reflect that the motion was mailed on March 19, 2018.

The court construes appellant's motion for reconsideration as a petition for rehearing. Any request that the court reconsider or rehear its decision on a 28 U.S.C. § 2254 appeal must be filed within 14 days of the court's decision. The March 19, 2018, service and postmark date renders appellant's filing untimely.

Accordingly, appellant's motion for reconsideration, properly construed as a petition for rehearing, is denied.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk