

FILED: December 31, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6477 (L)
(1:17-cv-02330-RDB)

ANTHONY Q. KELLY

Petitioner - Appellant

v.

FRANK B. BISHOP, Jr., Warden; JOHN McCARTHY, State's Attorney; ATTORNEY GENERAL OF MARYLAND

Respondents - Appellees

No. 18-6540
(1:17-cv-02066-RDB)

ANTHONY QUENTIN KELLY

Petitioner - Appellant

v.

WARDEN FRANK B. BISHOP, JR.; JOHN McCARTHY, State Attorney; ATTORNEY GENERAL OF MARYLAND

Respondents - Appellees

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Chief Judge Gregory, Judge Motz, and Senior Judge Traxler.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 18-6477

ANTHONY Q. KELLY,

Petitioner - Appellant,

v.

FRANK B. BISHOP, Jr., Warden; JOHN McCARTHY, State's Attorney;
ATTORNEY GENERAL OF MARYLAND,

Respondents - Appellees.

No. 18-6540

ANTHONY QUENTIN KELLY,

Petitioner - Appellant,

v.

WARDEN FRANK B. BISHOP, JR.; JOHN McCARTHY, State Attorney;
ATTORNEY GENERAL OF MARYLAND,

Respondents - Appellees.

Appeals from the United States District Court for the District of Maryland, at Baltimore.
Richard D. Bennett, District Judge. (1:17-cv-02330-RDB; 1:17-cv-02066-RDB)

Submitted: October 25, 2018

Decided: November 8, 2018

Before GREGORY, Chief Judge, MOTZ, Circuit Judge, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Anthony Quentin Kelly, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Quentin Kelly seeks to appeal the district court's orders dismissing as untimely his 28 U.S.C. § 2254 (2012) petitions. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (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 motion 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 Kelly has not made the requisite showing. Accordingly, we deny Kelly's motion for a certificate of appealability and dismiss the appeals. We grant Kelly's motion for extension of time and deny his motions for bail or release pending 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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTHONY QUENTIN KELLY, #352736

Petitioner,

v.

* CIVIL ACTION NO. RDB-17-2330

WARDEN FRANK B. BISHOP, JR., *et al.*

*

ORDER

For reasons stated in the accompanying Memorandum Opinion, it is this 18th day of April, 2018, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. Anthony Quentin Kelly's Emergency Motion for a Speedy Ruling (ECF No. 7) is DENIED;
2. Kelly's Emergency Motion for Release (ECF No. 8) is DENIED;
3. Kelly's Emergency Motion for Partial Judgment (ECF No. 9) is DENIED;
4. Kelly's Emergency Motion for Evidentiary Hearing (ECF No. 10) is DENIED
5. Kelly's Emergency Motion to Reassign Case to a Different Judge (ECF No. 11), construed as a motion for recusal, is DENIED;
6. The Petition for Habeas Corpus Relief is DENIED and DISMISSED;
7. The Court DECLINES to issue a Certificate of Appealability;
8. The Clerk SHALL CLOSE this case; and
9. The Clerk SHALL SEND a copy of this Order and Memorandum Opinion to Kelly and to counsel for Respondents.

R.D. Bennett
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**