

UNPUBLISHED

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

No. 19-6180

ARKEEM HAKIM JORDAN,

Petitioner - Appellant,

v.

STATE OF NORTH CAROLINA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:18-hc-02144-FL)

Submitted: June 20, 2019

Decided: June 24, 2019

Before NIEMEYER, AGEE, and RICHARDSON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Arkeem Hakim Jordan, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Arkeem Hakim Jordan seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2012) petition without prejudice as successive and unauthorized. 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 Jordan has not made the requisite showing. Accordingly, we deny Jordan's motion for a certificate of appealability, deny his application and supplemental application for 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

FILED: July 30, 2019

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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: Judge Niemeyer, Judge Agee, and Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case Number: 5:18-HC-2144-FL

ARKEEM HAKIM JORDAN,
Petitioner,

v.

Judgment in a Civil Case

STATE OF NORTH CAROLINA,
Respondent.

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for an initial review pursuant to Rule 4 of the Rules Governing § 2254 cases in the United States District Courts.

IT IS ORDERED AND ADJUDGED in accordance with the court's order entered this date, that this action is hereby dismissed without prejudice.

This Judgment Filed and Entered on January 10, 2019, with service on

Arkeem Hakim Jordan 1145440 (via U.S. Mail)
Hyde Correctional Institution
P.O. Box 278
Swan Quarter, NC 27885

January 10, 2019

PETER A. MOORE, JR., CLERK
/s/ M. Castania

By M. Castania, Deputy Clerk

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