

FILED: June 11, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 19-6119  
(8:15-cv-03745-TDC)

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JERMAINE D. HARRIS

Petitioner - Appellant

v.

STEPHEN T. MOYER, Secretary, Maryland Department of Public Safety & Correctional Services; WAYNE A. WEBB, Commissioner, Maryland Department of Corrections; FRANK B. BISHOP, Warden of the North Branch Correctional Institution; ATTORNEY GENERAL OF MARYLAND

Respondents - Appellees

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O R D E R

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The court denies the petition for rehearing.

Entered at the direction of the panel: Chief Judge Gregory, Judge King, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk

FILED: May 7, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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ORDER

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Jermaine D. Harris seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. Pending before this court is Harris' amended motion for a certificate of appealability.

The district court's order denying § 2254 relief is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 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 Harris has not made the requisite showing. Accordingly, we deny his amended motion for a certificate of appealability and dismiss the appeal.

Entered at the direction of the panel: Chief Judge Gregory, Judge King, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk

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JUDGMENT

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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