

APPENDIX (B)

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-7436

BRYANT MATTHEW PARKER,

Petitioner - Appellant,

v.

DIRECTOR OF THE VIRGINIA DEPARTMENT OF CORRECTIONS; ATTORNEY
GENERAL OF THE COMMONWEALTH OF VIRGINIA,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Anthony John Trenga, Senior District Judge. (1:20-cv-00807-AJT-MSN)

Submitted: January 31, 2023

Decided: February 16, 2023

Before WYNN, THACKER, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bryant Matthew Parker, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

APPEARANCE (A)

(B)

C

PER CURIAM:

Bryant Matthew Parker seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 petition and denying reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). 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 could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-16 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Parker has not made the requisite showing. Accordingly, we deny Parker's motions for 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

3(a)

APPEAL (1)
(A)

FILED: May 30, 2023

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(1:20-cv-00807-AJT-MSN)

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DIRECTOR OF THE VIRGINIA DEPARTMENT OF CORRECTIONS;
ATTORNEY GENERAL OF THE COMMONWEALTH OF VIRGINIA

Respondents - Appellees

ORDER

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 Wynn, Judge Thacker, and Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk

(1a)