

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-50559

JARED MORRISON,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas

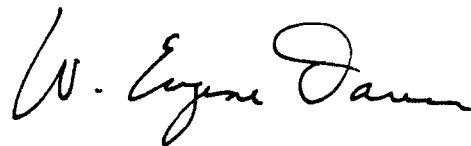
O R D E R:

In 2004, Jared Morrison, Texas prisoner # 1747148, pleaded guilty to committing sexual assault of a child by penetrating the female sexual organ of a child younger than 17 years of age who was not his spouse, which is a violation of Texas Penal Code Ann. § 22.011(a)(2)(A) (West 2014). The trial court entered a judgment deferring adjudication of guilt and imposing nine years of community supervision. In 2011, the trial court revoked Morrison's term of community supervision, adjudicated him guilty of the charged offense, and sentenced him to 16 years of imprisonment. He now seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application.

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To obtain a COA, Morrison must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). The district court held that Morrison’s claims arising from the 2004 proceedings were time barred and denied his claims arising from the 2011 proceedings after reviewing their merits. When a district court rejects a claim on procedural grounds, we will issue a COA only if the movant “shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When a district court rejects a claim on the merits, we will issue a COA only if the movant demonstrates that jurists of reason could disagree with the district court’s resolution of his constitutional claims or could conclude the issues presented “deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 336 (internal quotation marks and citation omitted).

In his COA request, Morrison argues that the district court incorrectly determined that eight of his grounds for relief were time barred and that he failed to overcome the deference due to the state habeas corpus court’s denial of his remaining grounds for relief. He has failed to make the requisite showing as to all of his claims. Accordingly, Morrison’s motion for a COA is DENIED.



W. EUGENE DAVIS
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

May 29, 2018

Ms. Jeannette Clack
Western District of Texas, Midland
United States District Court
200 E. Wall Street
Room 222
Midland, TX 79701-0000

No. 17-50559 Jared Morrison v. Lorie Davis, Director
USDC No. 7:15-CV-69

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa B. Courseault, Deputy Clerk
504-310-7701

cc w/encl:
Mr. Craig William Cospers
Mr. Jared Morrison