

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-60323

SCOOTER L. ROBINSON,

Petitioner - Appellant

v.

FRANK SHAW, Warden; UNKNOWN JACKSON, Warden,

Respondents - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi

Before SMITH, ELROD, and HO, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for Certificate of Appealability. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

United States Court of AppealsFIFTH CIRCUIT
OFFICE OF THE CLERKLYLE W. CAYCE
CLERKTEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

April 25, 2018

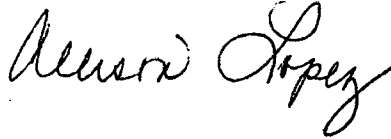
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 17-60323 Scooter Robinson v. Judges and Justices St of
MS, et al
USDC No. 1:15-CV-83

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

By: _____
Allison G. Lopez, Deputy Clerk
504-310-7702Ms. Jerrolyn M. Owens
Mr. Scooter L. Robinson

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-60323



A True Copy

Certified order issued Mar 28, 2018

Steph W. Cuyca

Clerk, U.S. Court of Appeals, Fifth Circuit

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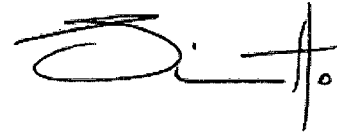
ORDER:

Scooter L. Robinson, Mississippi prisoner # L1529, moves for a certificate of appealability (COA) from the dismissal of his 28 U.S.C. § 2254 petition. Robinson is serving two life sentences as a habitual offender after a jury convicted him for failing to stop a motor vehicle when signaled by a police officer, and aggravated assault on a police officer. *Robinson v. State*, 169 So. 3d 916, 919-20 (Miss. Ct. App. 2014).

He contends that he was denied a speedy trial; the trial court should have allowed him to retain new counsel; the trial court should have conducted his habitual offender sentencing out of the jury's presence; he was prejudiced by a delay between his arrest and indictment; appellate counsel was ineffective; and trial counsel was ineffective. He abandoned a claim that he was denied a preliminary hearing.

No. 17-60323

Robinson fails to show “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000), “or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). He thus fails to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). His motion for a COA is DENIED.

A handwritten signature in black ink, appearing to read 'J. C. Ho', with a stylized flourish at the end.

JAMES C. HO
UNITED STATES CIRCUIT JUDGE