

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 17-41041  
\_\_\_\_\_



A True Copy  
Certified order issued Jun 14, 2018

*John W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

STEVEN LYNN DEEM,

Petitioner-Appellant

v.

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

Respondent-Appellee

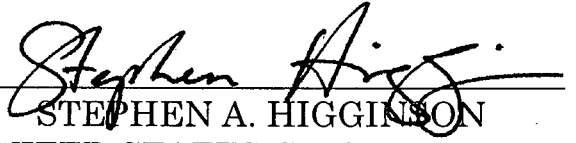
\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Texas  
\_\_\_\_\_

ORDER:

Steven Lynn Deem, formerly Texas prisoner # 835277, moves for a certificate of appealability (COA) to appeal the dismissal of the second 28 U.S.C. § 2254 application challenging his conviction for aggravated sexual assault of a child. In addition to arguing the merits of his constitutional claims, Deem contends that his actual innocence is sufficient to overcome the jurisdictional bar against an unauthorized, successive § 2254 application.

A COA is DENIED because Deem fails to demonstrate that jurists of reason "could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); see *McQuiggin v. Perkins*, 569 U.S. 3831, 395-96 (2013); *Crone v. Cockrell*, 324 F.3d 833, 836 (5th Cir. 2003); 28 U.S.C. § 2244(b)(3)(A). The

motions for leave to proceed in forma pauperis and for oral argument also are DENIED.

  
STEPHEN A. HIGGINSON  
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

STEVEN LYNN DEEM, #16418-035

§

VS.

§

CIVIL ACTION NO. 6:17cv515

APPEAL NO. 17-41041

DIRECTOR, TDCJ-CID

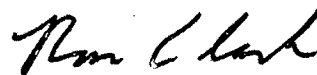
§

ORDER

Before the Court is Appellant's motion for leave to appeal *in forma pauperis* (Dkt. #11). Appellant may proceed IFP on appeal only if he is economically eligible and presents a nonfrivolous issue. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). The history of the case reveals that Appellant's petition for a writ of habeas corpus was denied on September 27, 2017. A certificate of appealability was denied at the same time. Because Appellant has neither presented a nonfrivolous issue nor shown that he is entitled to a certificate of appealability, he also has not shown that he is entitled to proceed *in forma pauperis* on appeal. *United States v. Delario*, 120 F.3d 580, 582 (5th Cir. 1997). It is accordingly

**ORDERED** that the motion for leave to appeal *in forma pauperis* (Dkt. #11) is **DENIED**. All motions not previously ruled on are **DENIED**. All future motions should be filed with the Clerk of the United States Court of Appeals for the Fifth Circuit.

So **ORDERED** and **SIGNED** this 9 day of November, 2017.



Ron Clark, United States District Judge

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