

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-20095 c/w
No. 17-20342



A True Copy
Certified order issued Feb 05, 2018

GLENN LLOYD KINGHAM,

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit
Petitioner-Appellant

v.

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

Respondent-Appellee

Appeals from the United States District Court
for the Southern District of Texas

ORDER:

Glenn Lloyd Kingham, Texas prisoner # 01995131, was convicted of evading arrest or detention with a motor vehicle and was sentenced to eight years of imprisonment. Kingham filed a 28 U.S.C. § 2254 application challenging this conviction that was denied and dismissed by the district court on March 15, 2017. His motion for a certificate of appealability (COA) in case number 17-20095 was filed prior to the ruling by the district court denying the § 2254 application. Accordingly, in case number 17-20095, Kingham's motion for a COA is DENIED.

His second motion for a COA, filed under case number 17-20342, challenges the district court's denial and dismissal of his § 2254 application.

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He argues that the district court erred in dismissing some of his claims as unexhausted and procedurally defaulted. He also asserts that the evidence was insufficient to support his conviction, the indictment was invalid, the prosecution engaged in misconduct, he did not voluntarily waive his right to counsel, he was denied the effective assistance of appellate counsel, the trial court was biased, and the trial court erred in not allowing Kingham to recall a witness and define words.

In order to obtain a COA, Kingham must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Where the district court has denied federal habeas relief on procedural grounds, the applicant must demonstrate that reasonable jurists would find it debatable whether the motion states a valid claim of the denial of a constitutional right and whether the district court was correct in its procedural ruling. *Slack*, 529 U.S. at 484. An applicant satisfies the COA standard “by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims 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). Kingham has not met this standard.

Accordingly, in case number 17-20342, his motion for a COA is DENIED. All outstanding motions are DENIED.

/s/Edith H. Jones
EDITH H. JONES
UNITED STATES CIRCUIT JUDGE

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Cons. w/17-20342

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JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeals from the United States District Court
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Before HIGGINBOTHAM, JONES, and COSTA Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motions for certificate of appealability filed separately as to each appeal, together with all outstanding motions filed. The panel has considered appellant's motion for reconsideration as to the denial of certificate of appealability in each appeal only. IT IS ORDERED that the motion is DENIED.

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