

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-10684



A True Copy
Certified order issued Dec 27, 2018

GLEN MOORE,

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

versus

LORIE DAVIS, Director,
Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent-Appellee.

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

O R D E R:

Glen Moore, Texas prisoner #2117174, seeks a certificate of appealability to appeal the denial of his 28 U.S.C. § 2254 habeas corpus application challenging his conviction of failure to register as a sex offender. Moore maintains that the district court erred in denying his ex post facto and double jeopardy claims.

A COA may issue "only if the applicant has made a substantial showing

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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). Where, as here, a district court denies a § 2254 application on the merits, the prisoner must 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, 484 (2000), or that the issues are “adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327. Moore fails to make that showing with respect to his ex post facto and double jeopardy claims. To the extent that Moore asserts that his counsel was ineffective or that his punishment was excessive, he has abandoned those claims by failing to brief them. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

The motion for a COA is DENIED.

/s/ Jerry E. Smith
JERRY E. SMITH
United States Circuit Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**GLEN MOORE,
TDCJ No. 2117174,**

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Petitioner,

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Civil Action No. 7:17-cv-100-O-BP

V.

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

JUDGMENT

This action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered,

It is **ORDERED, ADJUDGED, and DECREED** that the petition for writ of habeas corpus is **DENIED**.

SIGNED this 10th day of May, 2018.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**GLEN MOORE,
TDCJ No. 2117174,**

Petitioner,

V.

Civil Action No. 7:17-cv-100-O-BP

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner challenges his conviction for failure to register as a sex offender. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be denied. ECF No. 20. Objections were filed by Petitioner and by Respondent. ECF Nos. 21 & 22. The District Court reviewed de novo those portions of the Findings, Conclusions, and Recommendation to which objection was made, and reviewed the remaining Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

Accordingly, the petition for writ of habeas corpus is **DENIED**.

SO ORDERED this 10th day of May, 2018.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**GLEN MOORE,
TDCJ No. 2117174,**

Petitioner,

V.

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

Civil Action No. 7:17-cv-100-O-BP

ORDER OF THE COURT ON CERTIFICATE AS TO APPEALABILITY

This is a habeas corpus case in which the detention complained of arises out of process issued by a state court. Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), a Certificate of Appealability is hereby **DENIED**.

REASONS FOR DENIAL: For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 20), which the Court hereby adopts and incorporates by reference, Petitioner has failed to demonstrate that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right. *See Slack v. McDaniel*, 529 U.S. 473 (2000).

SO ORDERED this 10th day of May, 2018.


Reed O'Connor
UNITED STATES DISTRICT JUDGE