

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-50207



A True Copy
Certified order issued Feb 25, 2019

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

Petitioner-Appellant,

DARRYL DEWAYNE WILLIAMS,

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

ORDER:

In January 2014, a jury convicted Darryl Dewayne Williams, Texas prisoner # 1910015, of delivery of a controlled substance (cocaine) in a drug-free zone and sentenced him as a habitual offender to life imprisonment. He seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application. To obtain a COA, Williams must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). And when, as here, the district court rejects the constitutional claims on the merits, he "must demonstrate 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).

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In his COA request before this court, Williams argues that (1) the district court erred by ignoring his sufficiency challenge to the state court's factual determinations; (2) his trial counsel was ineffective for relying on an entrapment defense; and (3) his trial counsel was ineffective for failing to investigate, and seek dismissal based on, a second indictment. Williams has not made the requisite showing. *See id.*; *see also United States v. Munoz-Fabela*, 896 F.2d 910-11 (5th Cir. 1990).

Accordingly, Williams's motion for a COA is DENIED.

Don R. Willett
DON R. WILLETT
UNITED STATES CIRCUIT JUDGE