

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-20325

ANTONIO LEONARD BROWN,

Petitioner-Appellant

v.

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

Respondent-Appellee

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

O R D E R:

Antonio Leonard Brown, Texas prisoner # 1949570, moves this court for a certificate of appealability (COA) from the district court's denial of his 28 U.S.C. § 2254 application where he sought to challenge his conviction of assault-family violence, second offense. He argues that he was mentally incompetent to stand trial; that the Texas Court of Criminal Appeals mishandled his application for state postconviction relief; and his counsel was ineffective for: (1) failing to call witnesses, including an expert witness; (2) failing to investigate or interview him; (3) advising him to sign stipulations regarding his prior convictions; (4) failing to challenge the jury makeup or request a jury shuffle based on racial and gender discrimination; (5) failing to

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request a mistrial, and (6) failing to challenge the use of the word “repetition” as it related to the instant offense.

To obtain a COA, a prisoner 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). 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). Where the district court denies relief on the merits, an applicant must show that reasonable jurists “would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 484.

Brown has failed to make the requisite showing. Consequently, his motion for a COA is denied.

/s/ Leslie H. Southwick
LESLIE H. SOUTHWICK
UNITED STATES CIRCUIT JUDGE