

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT



No. 17-60647

A True Copy
Certified order issued May 25, 2018

HENRY LEE CRAIG,

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

Petitioner-Appellant,

v.

JODY BRADLEY, WARDEN, WILKINSON COUNTY CORRECTIONAL
FACILITY; GABRIEL WALKER, Warden,

Respondents-Appellees.

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

O R D E R:

Henry Lee Craig, Mississippi prisoner # 76582, was convicted by a jury of murder and sentenced to life in prison. He seeks a certificate of appealability (COA) to challenge the district court's dismissal of his 28 U.S.C. § 2254 petition as time barred.

To obtain a COA, Craig must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court dismisses a § 2254 petition on procedural grounds without reaching the merits of the prisoner's claims, this court will issue a COA "when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of

reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Craig has failed to make the required showing. Consequently, his COA motion is DENIED. His motion for the appointment of counsel and leave to file a supplemental brief in support of his COA motion are likewise DENIED.

Don R. Willett

DON R. WILLETT
UNITED STATES CIRCUIT JUDGE

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Before SMITH, HAYNES, and WILLETT, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motions for certificate of appealability (COA), motion for appointment of counsel, and motion for leave to file a supplemental brief in support of his COA motion. The panel has considered appellant's motion for reconsideration of the denial of the COA motion. IT IS ORDERED that the motion is DENIED.

STATE OF MISSISSIPPI

COUNTY OF Wilkinson

AFFIDAVIT

PERSONALLY, appeared before me the undersigned authority in and for the aforesaid jurisdiction, being duly sworn by me does depose and state the following:

I, Henry Lee Craig #76582, do hereby state that the following is true and correct to the best of my belief and knowledge.

On the above assigned notarized affiant affidavit date and year. The pro-se writ of certiorari for the United States Supreme Court petition for the "Writ of Certiorari Time Extension" have been completed and addressed to the United States Supreme Court address Washington, D.C. 20543, location additionally enclosed with the proof of service, and listed respondents address whom to be served upon notice of the certificate of service by the petitioner Henry Lee Craig #76582.

SIGNED, this the 20 day of August, 2018.

H.L.C. #76582
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20 day of August, 2018.

Rosemary Hather
Notary Public

My Commission Expires

