

A ppendices

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-10491



A True Copy
Certified order issued Jul 26, 2019

Steph W. Cayce
Clerk, U.S. Court of Appeals, Fifth

TERRY GLYNN SPEED,

Petitioner-Appellant

v.

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

ORDER:

Terry Glynn Speed, Texas prisoner # 1824011, moves for a certificate of appealability (COA) to appeal the district court's denial on the merits of his 28 U.S.C. § 2254 application challenging his Texas state conviction and 65-year prison sentence for burglary of a habitation with a deadly weapon. Speed asserts that he is entitled to a COA with respect to his claims that the evidence was insufficient to support the jury's deadly weapon finding; his trial counsel rendered ineffective assistance by failing to challenge the racial composition of the jury panel and an actually biased prospective juror; and he was denied an impartial jury by the seating of an actually biased juror.

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). Where a district court

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has rejected the constitutional claims on the merits, “[t]he petitioner 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). Because Speed has not made the requisite showing, his motion for a COA is DENIED.

Patrick E. Higginbotham

PATRICK E. HIGGINBOTHAM
UNITED STATES CIRCUIT JUDGE

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Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for a certificate of appealability. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

Appendix B