

United States Court of Appeals
for the Fifth Circuit

No. 22-10270

NATHANIEL FRAZIER,

Petitioner- Appellant,

versus

BOBBY LUMPKIN, *Director,*
Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent— Appellee.

Application for Certificate of Appealability from
the United States District Court
for the Northern District of Texas
No. 6:19-CV-64

Before JONES, SMITH, and GRAVES, *Circuit Judges.*

PER CURIAM:

Nathaniel Frazier, Texas prisoner #01942796, filed a 28 U.S.C. § 2254 application challenging his conviction of assault of dating violence. The district court dismissed Frazier’s application as barred by the one-year limitations period of 28 U.S.C. § 2244(d). Frazier seeks a certificate of appealability (“COA”).

To obtain a COA, Frazier must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Miller-El v.*

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Cockrell, 537 U.S. 322, 336 (2003). Because the district court rejected the habeas application on a procedural ground, Frazier must show “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).

Frazier abandons, by failing to brief meaningfully, any challenge to the court’s findings on timeliness, any gateway actual innocence claims, and any challenge to the finding that he was not entitled to equitable tolling. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). Frazier has not made the requisite showing. *See Slack*, 429 U.S. at 484.

Because Frazier fails to make the required showing for a COA, we do not reach the issue whether the district court erred by failing to conduct an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534–35 (5th Cir. 2020), *cert. denied*, 142 S. Ct. 122 (2021).

The motion for a COA is DENIED.