

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-51357
USDC No. 6:14-CV-131

CAROL JOHNENE MORRIS,

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
Western District of Texas, Waco

ORDER:

Carol Johnene Morris moves for a certificate of appealability (COA) to appeal the district court's dismissal of her 28 U.S.C. § 2254 application as successive. In her § 2254 application, Morris argued that her sentence and conviction were unconstitutional, that she was entitled to presentence jail credit, and that she was erroneously lost 180 days of good time credit as a result of a prison disciplinary proceeding.

In order to obtain a COA to appeal the denial of a § 2254 petition, the petitioner 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). "A petitioner satisfies this 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*, 537 U.S. at 327. Where, as here, the district court denies relief on procedural grounds, the petitioner 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).

Morris has failed to show that the issues presented are adequate to deserve encouragement to proceed further. *See Miller-El*, U.S. at 327. Accordingly, her motion for a COA is DENIED.



Certified as a true copy and issued
as the mandate on Oct 16, 2017

Attest:

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

/s/Edith H. Jones
EDITH H. JONES
UNITED STATES CIRCUIT JUDGE

APPX. B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CAROL JOHNE NE MORRIS,

V.

LORIE DAVIS

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W-14-CA-131-RP

FINAL JUDGMENT

Before the Court is the above styled and numbered cause. On this date, the Court dismissed as successive Petitioner Carol Johnene Morris' Application for Habeas Corpus Relief. The Court further determined that a certificate of appealability shall not be issued. Accordingly, as all issues in the cause have been resolved, the Court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

It is therefore **ORDERED** that Petitioner Carol Johnene Morris' Application for Habeas Corpus Relief is hereby **DISMISSED AS SUCCESSIVE**.

It is finally **ORDERED** that the above styled and numbered cause is hereby **CLOSED**.

SIGNED on November 3, 2015.



ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE