

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-20106



A True Copy
Certified order issued Dec 13, 2017

Steph W. Cayer
Clerk, U.S. Court of Appeals, Fifth Circuit

CHARLES RAY WALTON,

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 Southern District of Texas

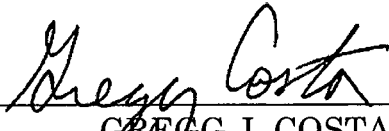
ORDER:

Charles Ray Walton, Texas prisoner # 1356490, moves for a certificate of appealability (COA) to appeal the denial of his Federal Rule of Civil Procedure 60(b) motion, by which he sought to vacate the district court's dismissal of his 28 U.S.C. § 2254 petition challenging his conviction and sentence for aggravated sexual assault of a child. Walton also moves to supplement and amend his COA motion with additional arguments.

In his Rule 60(b) motion, Walton merely reargued the merits of his previously denied § 2254 claims. Thus, the motion was, in effect, a successive § 2254 petition, which the district court lacked jurisdiction to consider absent prior authorization from this court. *See Adams v. Thaler*, 679 F.3d 312, 319 (5th Cir. 2012); 28 U.S.C. § 2244(b)(3)(A). Consequently, Walton's challenge

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does not deserve encouragement to proceed further. *See Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Accordingly, IT IS ORDERED that Walton's motions to supplement and to amend his COA motion are GRANTED. The motion for a COA is DENIED.



GREGG J. COSTA
UNITED STATES CIRCUIT JUDGE

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Before HIGGINBOTHAM, JONES, and COSTA, Circuit Judges.

PER CURIAM:

A member of this panel previously granted appellant's motions to supplement and to amend his motion for certificate of appealability (COA), and further denied the motion for COA. The panel has considered appellant's motion for reconsideration of the denial of COA. IT IS ORDERED that the motion is DENIED.