

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 12, 2025

Lyle W. Cayce  
Clerk

No. 25-10222

RONNIE JAMES MONROE,

*Petitioner—Appellant,*

*versus*

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,*  
*Correctional Institutions Division,*

*Respondent—Appellee.*

Application for Certificate of Appealability  
the United States District Court  
for the Northern District of Texas  
USDC No. 4:24-CV-942

UNPUBLISHED ORDER

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

Ronnie James Monroe, Texas prisoner # 02127052, moves this court for a certificate of appealability (COA) to challenge the district court's dismissal of his 28 U.S.C. § 2254 application as untimely. Monroe filed the application to challenge his life sentence for indecency with a child by contact. In his COA motion, Monroe contends that his § 2254 application

(App. A1)

was not untimely filed because his motion for DNA testing filed in state court tolled the limitations period under 28 U.S.C. § 2244(d)(2).

As a preliminary matter, we note that, while Monroe filed a timely notice of appeal with respect to the judgment dismissing his § 2254 application, he failed to file an amended or new notice of appeal with respect to the district court's subsequent orders denying his postjudgment motions. *See* FED. R. APP. P. 4(a)(4)(B)(ii). Thus, we lack jurisdiction to consider the denial of the postjudgment motions, in which he raised his statutory tolling argument. *See Fiess v. State Farm Lloyds*, 392 F.3d 802, 806-07 (5th Cir. 2004). Accordingly, the appeal is DISMISSED in part for lack of jurisdiction.

Otherwise, to obtain a COA to appeal the dismissal of his § 2254 application, Monroe must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Because the district court dismissed Monroe's application on procedural grounds without reaching the merits of his claims, he must show "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*, 529 U.S. at 484.

Monroe has not made the requisite showing. *See id.* Accordingly, his motion for a COA is DENIED. Monroe's motion for appointment of counsel is also DENIED.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

RONNIE JAMES MONROE,  
INSTITUTIONAL ID No. 02127052,

Petitioner,

v.

No. 4:24-cv-0942-P

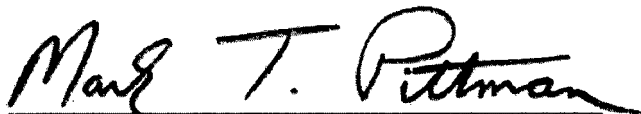
DIRECTOR, TDCJ-CID,

Respondent.

**FINAL JUDGMENT**

Consistent with the Court's opinion and order signed this date, the petition of Ronnie James Monroe under 28 U.S.C. § 2254 is **DISMISSED** as untimely.

**SO ORDERED** on this 30th day of December 2024.



MARK T. PITTMAN  
UNITED STATES DISTRICT JUDGE

(App B)

United States Court of Appeals  
for the Fifth Circuit

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No. 25-10222

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 18, 2025

Lyle W. Cayce  
Clerk

RONNIE JAMES MONROE,

*Petitioner—Appellant,*

*versus*

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,*  
*Correctional Institutions Division,*

*Respondent—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:24-CV-942

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UNPUBLISHED ORDER

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

This panel previously DENIED the motion for a certificate of appealability and the motion to appoint counsel. The panel has considered Appellant's motion for reconsideration.

IT IS ORDERED that the motion is DENIED.

(App. D 2)

**Additional material  
from this filing is  
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