

COURT OF APPEALS 2255 DENIAL

APPENDIX A

CERTIFICATE OF APPEALABILITY DENIAL / *REINSTatement.* /
FINAL JUDGEMENT

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 14, 2026

Lyle W. Cayce
Clerk

No. 25-11109

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRYAN OKEEIF THOMAS,

Defendant—Appellant.

Application for Certificate of Appealability
the United States District Court
for the Northern District of Texas
USDC No. 1:24-CV-192
USDC No. 1:22-CR-62-2

UNPUBLISHED ORDER

Before SOUTHWICK, HIGGINSON, and OLDHAM, *Circuit Judges*.

PER CURIAM:

Bryan OkeEIF Thomas, federal prisoner # 18757-510, seeks a certificate of appealability (COA) to appeal the district court's dismissal of his 28 U.S.C. § 2255 motion challenging his conviction and sentence for possession with intent to distribute methamphetamine. Thomas contends that his trial counsel rendered ineffective assistance by failing to investigate the Government's forensic reports related to the narcotics seized in the offense,

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to conduct independent testing of the substances, and to retain experts to refute the Government's experts. Although he raised other claims of ineffective assistance in the district court, he does not repeat those allegations on appeal, and they are abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

To obtain a COA, Thomas must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because the district court rejected Thomas's claims on their merits, he "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). Thomas has not made the required showing.

The motion for a COA is therefore DENIED. The motion for leave to proceed in forma pauperis on appeal is likewise DENIED. As Thomas fails to make the required showing for a COA, we do not reach whether the district court erred by denying his motions for an evidentiary hearing and for discovery. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020).

Received 1/20/26



United States Court of Appeals for the Fifth Circuit

A True Copy

Certified order issued Jan 14, 2026

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

No. 25-11109

United States Court of Appeals
Fifth Circuit

FILED

January 14, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRYAN OKEEIF THOMAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:24-CV-192

CLERK'S OFFICE:

Under 5TH CIR. R.42.3, the appeal is dismissed as of January 14, 2026, for want of prosecution. The appellant failed to timely comply with certificate of appealability requirements.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

A handwritten signature in dark ink, appearing to read "Casey A. Sullivan", is written over a horizontal line.

By: _____
Casey A. Sullivan, Deputy Clerk

DISTRICT COURT 2255 RECOMMENDATION/DENIAL PG 1/9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

BRYAN OKEEIF THOMAS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 1:24-CV-00192-H
No. 1:22-CR-00062-H-BU-2

**ORDER DENYING MOTION TO
VACATE AND CERTIFICATE OF APPEALABILITY**

Bryan OkeEIF Thomas filed an amended motion to vacate his conviction and sentence under 28 U.S.C. § 2255. Civ. Dkt. No. 12. The government filed a response, Civ. Dkt. No. 17, and Thomas filed a reply. Civ. Dkt. No. 22. Now, as explained below, the Court denies the motion to vacate.

1. Background

On September 14, 2022, Thomas was named in a seven-count indictment charging him in count one with conspiracy to distribute and possess with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 846, in counts two and five with possession with intent to distribute 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii), in counts three and six with possession with intent to distribute a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), in count four with possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), and in count seven with being a convicted felon in

resume, Cr. Dkt. No. 45, are entitled to a presumption of regularity and carry great evidentiary weight. *United States v. Abreo*, 30 F.3d 29, 32 (5th Cir. 1994). His solemn declarations in open court, admitting among other things that he understood the penalties he faced, that his plea was knowing and voluntary, and that he was fully satisfied with counsel, carry a strong presumption of verity. *Blackledge v. Allison*, 431 U.S. 63, 74 (1977). Thomas has not produced any independent indicia of the likely merit of any of his allegations to refute his sworn testimony and is not entitled to an evidentiary hearing. *United States v. Cervantes*, 132 F.3d 1106, 1110 (5th Cir. 1998). Thomas clearly understood the penalties he faced and chose to plead to an offense that spared him a mandatory consecutive sentence and possible life imprisonment.

4. Conclusion

For the reasons discussed, the motion is denied.

Additionally, considering the record and relevant authorities in this case, the Court denies a certificate of appealability under Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Court, and 28 U.S.C. § 2253(c). As explained above, Thomas has failed to show that reasonable jurists would find (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

So ordered on August 20, 2025.



JAMES WESLEY HENDRIX
United States District Judge

**Additional material
from this filing is
available in the
Clerk's Office.**