

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2020

Lyle W. Cayce
Clerk

No. 17-11348
Summary Calendar

HAYWARD GEORGE SLATER, JR.,

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 Northern District of Texas
USDC No. 4:15-CV-979

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Hayward George Slater, Jr., Texas prisoner # 1734721, appeals the denial of his 28 U.S.C. § 2254 petition challenging his conviction for capital murder and sentence of life imprisonment. We granted Slater's motion for a certificate of appealability (COA) with respect to "the district court's procedural decision not to consider Slater's grounds five, six, eight, and nine,"

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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denied a COA as to all other issues, and remanded to the district court for findings of fact.

We now affirm. In his initial brief, Slater fails to demonstrate that the district court clearly erred in finding that the clerk's office had not mishandled his filings, *see St. Aubin v. Quarterman*, 470 F.3d 1096, 1101 (5th Cir. 2006), and he does not otherwise address the procedural issue as to which a COA was granted, *see Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1983). We do not consider the arguments raised for the first time in Slater's reply brief. *See United States v. Davis*, 602 F.3d 643, 648 n.7 (5th Cir. 2010). His motion for appointment of counsel is denied. *See Wardlaw v. Cain*, 541 F.3d 275, 279 (5th Cir. 2008).

AFFIRMED; MOTION DENIED.