

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

United States Court of Appeals
Fifth Circuit

FILED

March 5, 2020

Lyle W. Cayce
Clerk

No. 19-10124

JOEMAR JACKSON,

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. 4:17-CV-844

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Joemar Jackson, Texas prisoner # 1549556, was convicted of capital murder and sentenced to serve life in prison. Following the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition, he moves this court for a certificate of appealability (COA) on claims concerning false testimony, prosecutorial misconduct, and ineffective assistance of counsel.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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This court may issue a COA “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requires a showing that reasonable jurists would find the district court’s decision to deny relief debatable or wrong, *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that the claim deserves encouragement, *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Because Jackson has not met these standards with respect to the above-listed claims, his COA motion is DENIED.

Finally, Jackson contends that the district court erred by denying his § 2254 petition without conducting an evidentiary hearing. He is not required to obtain a COA to appeal the denial of an evidentiary hearing; therefore, to the extent he seeks a COA on this issue we construe his COA request “as a direct appeal from the denial of an evidentiary hearing.” *Norman v. Stephens*, 817 F.3d 226, 234 (5th Cir. 2016). Because Jackson’s constitutional claims fail, we need not address the merits of his evidentiary hearing claim. *See id.* The district court’s denial of an evidentiary hearing is AFFIRMED.