

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

No. 19-20306

United States Court of Appeals
Fifth Circuit

FILED

March 25, 2020

Lyle W. Cayce
Clerk

WILLIAM MONTERIAL JONES,

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
USDC No. 4:18-CV-3284

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

A jury convicted William Monterial Jones, Texas prisoner # 1971347, of aggravated robbery with a deadly weapon and being a felon in possession of a firearm. The trial court sentenced him to 40 years in prison on each conviction, to run concurrently. The district court denied his 28 U.S.C. § 2254 petition and denied him a certificate of appealability (COA) to appeal the denial of his petition. Jones now moves for a COA from this court, seeking to challenge the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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district's court's rejection of his sufficiency of the evidence claim and its determination that federal review was barred by the state court procedural decision.

For a COA to issue, Jones 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). Jones can do so by showing “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack*, 529 U.S. at 484, “or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). The determination of whether to grant a COA must be made “without full consideration of the factual or legal bases adduced in support of the claims.” *Buck v. Davis*, 137 S. Ct. 759, 773 (2017) (internal quotation marks and citation omitted).

Jones has not made the required showing. *See Slack*, 529 U.S. at 484. Accordingly, his motion for a COA is DENIED. Jones’s motion to supplement the record on appeal and for a copy of the appellate record is likewise DENIED. We construe Jones’s motion for a COA with respect to the district court’s denial of an evidentiary hearing as a direct appeal of that issue, *see Norman v. Stephens*, 817 F.3d 226, 234 (5th Cir. 2016), and AFFIRM, *see Cullen v. Pinholster*, 563 U.S. 170, 181, 185-86 (2011).

COA DENIED; MOTIONS TO SUPPLEMENT AND FOR A COPY OF THE RECORD DENIED; AFFIRMED.