

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

United States Court of Appeals
Fifth Circuit

FILED

May 26, 2020

Lyle W. Cayce
Clerk

No. 20-10413
Summary Calendar

FARHAN AWAN,

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. 4:20-CV-135

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Farhan Awan, Texas prisoner # 2092220, filed a federal habeas application in the district court challenging his conviction of continuous sexual abuse of a child. Awan moved the district court for release pending disposition of his habeas application, asserting that he received ineffective assistance of counsel because counsel failed to strike a biased juror and complaining of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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dangerous prison conditions resulting from the Covid-19 pandemic. The motion was denied, and this interlocutory appeal ensued.

For release pending disposition of his federal habeas application, Awan must “raise[] substantial constitutional claims upon which he has a high probability of success,” and he must show that “extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective.” *Calley v. Callaway*, 496 F.2d 701, 702 (5th Cir. 1974); *see also Watson v. Goodwin*, 709 F. App’x 311, 312(5th Cir. 2018) (applying *Calley* to appeal of denial of bail in a federal habeas proceeding based upon a state conviction). Considering the deferential standard of review applicable in this habeas case, Awan has not shown that his ineffective assistance claim has a high probability of success. *See id.*; *see also* 28 U.S.C. §2254(d). The district court’s order is AFFIRMED. This decision neither makes nor intimates any determination with regard to the merits of Awan’s habeas application. To the extent that Awan also moves this court for release pending decision in his habeas case, the motion is DENIED.