

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-10637  
USDC No. 4:05-CV-802

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ELIGAH DARNELL, JR.,

Petitioner-Appellant,

versus

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
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O R D E R:

Eligha Darnell, Jr., former Texas prisoner # 1326857, moves for a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 petition challenging his conviction for failure to register as a sex offender. He argues that his ineffective assistance of counsel claim was properly exhausted and therefore not procedurally defaulted; he is actually and factually innocent; and his sentence was illegal.

Darnell, however, has not shown "that jurists of reason would find it debatable whether the district court was correct in its procedural ruling" or "that reasonable jurists would find the district court's assessment of the constitutional claims

O R D E R  
No. 06-10637  
-2-

debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484  
(2000). His COA motion is therefore DENIED.

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JERRY E. SMITH  
UNITED STATES CIRCUIT JUDGE