

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 1, 2021

Lyle W. Cayce  
Clerk

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No. 20-30046

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RICHARD LYNN LONG, JR.,

*Petitioner—Appellant,*

*versus*

DARREL VANNOY, *Warden, Louisiana State Penitentiary,*

*Respondent—Appellee.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:18-CV-608

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Before JONES, COSTA, and WILSON, *Circuit Judges.*

PER CURIAM:\*

Richard Long Jr., Louisiana prisoner # 363322, seeks a certificate of appealability (COA) from the denial of his 28 U.S.C. § 2254 application challenging his conviction of first degree murder. Relevant to this inquiry, Long argues (1) that he was incompetent at the time he pleaded guilty, (2) his counsel rendered ineffective assistance, (3) the district court erred in the

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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standard it applied when determining his incompetency argument, and (4) the district court erred in denying his motion for an evidentiary hearing.

To obtain a COA, Long must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483 (2000). He will satisfy this standard “by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims 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). Where, as here, the district court denies relief on the merits, an applicant must show that reasonable jurists “would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because Long has not made the requisite showing, his COA motion is DENIED.

As Long fails to make the required showing for a COA on his constitutional claims, we cannot consider whether the district court erred by denying an evidentiary hearing. See *United States v. Davis*, 971 F.3d 524, 534–35 (5th Cir. 2020).