

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

February 5, 2016
Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TAJUAN CARVELL BROOKS,

Defendant - Appellant.

No. 15-3199
(D.C. Nos. 5:15-CV-04848-JAR &
5:11-CR-40030-JAR-1)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **BRISCOE**, **GORSUCH**, and **McHUGH**, Circuit Judges.

Nearly two years after his federal conviction for felony drug and firearm offenses became final, TaJuan Brooks filed a motion seeking to have his conviction and sentence set aside. But as the district court recognized, a federal habeas petitioner normally has only one year within which to seek collateral relief like this. *See* 28 U.S.C. § 2255(f). And while that deadline can be tolled for equitable reasons, the district court found that the exceptional circumstances required for such relief were absent and dismissed his case as untimely.

* This order is not binding precedent except under the doctrines of law of the case, *res judicata* and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Mr. Brooks now seeks to appeal that holding. To do so, he must first obtain a certificate of appealability (COA) from this court. *See* 28 U.S.C. § 2253(c)(1)(B). And to do that, he must show that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2).

This much Mr. Brooks hasn’t done. In his submission to this court, he puts forward no argument whatsoever for why his motion was timely or why the district court’s careful analysis and decision not to apply equitable tolling was in error. Neither can we identify any flaws in the district court’s determination on either score. Mr. Brooks’ motion to proceed *in forma pauperis* is denied, his request for a COA is denied, and this appeal is dismissed. Mr. Brooks is reminded of his obligation to pay the filing fee in full.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge