

**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

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No. 20-10413  
Summary Calendar

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FARHAN AWAN,

Petitioner-Appellant

v.

LORIE DAVIS, 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  
USDC No. 4:20-CV-135

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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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 20-10413

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.