

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HAROLD DAVIS,)	
Petitioner,)	
)	
v.)	No. 3:16-CV-1261-D
)	
LORIE DAVIS, Director TDCJ-CID)	
Respondent.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Petitioner’s July 11, 2017 motion for extension of time in order to acquire trial transcripts is denied. Petitioner has had sufficient time while pursuing habeas relief in state court and while this petition was pending in this court to obtain the documents necessary to present his petition. To the extent that his July 11, 2017 letter is also a motion, the motion is denied for the same reason.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge’s findings, conclusions, and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S.473, 484

(2000).

If petitioner files a notice of appeal,

() petitioner may proceed *in forma pauperis* on appeal.

(X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

July 20, 2017.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE