IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
February 20, 2014
Lyle W. Cayce
Clerk

No. 13-20474

CRAIG GERARD WILLIAMS,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:12-CV-558

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

Craig Gerard Williams, Texas prisoner # 787217, seeks a certificate of appealability (COA) following the district court's denial of his motion for relief pursuant to Federal Rule of Civil Procedure 60(b)(1) in which he alleged surprise and excusable neglect and sought the district court's permission to file an out-of-time notice of appeal. Williams's notice of appeal is timely only as to the district court's denial of his Rule 60(b)(1) motion. *See Bowles v. Russell*,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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551 U.S. 205, 214 (2007); *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). We lack jurisdiction to consider any arguments relating to the district court's denial of his 28 U.S.C. § 2254 petition. *See Bowles*, 551 U.S. at 214; *Mosley*, 813 F.2d at 660.

Because he sought only to reopen the appeal period in his Rule 60(b)(1) motion, Williams is not required to obtain a COA in order to appeal the district court's denial of that motion. *See Dunn v. Cockrell*, 302 F.3d 491, 492 (5th Cir. 2002); *Ochoa Canales v. Quarterman*, 507 F.3d 884, 886-88 (5th Cir. 2007).

In his COA motion and brief before this court, Williams argues the merits of his § 2254 petition. Williams does not, however, present any arguments regarding the district court's denial of his Rule 60(b)(1) motion for relief. Williams has therefore waived the only issue cognizable in this court. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

Williams's motion for a COA is DENIED as unnecessary. The district court's denial of Williams's Rule 60(b)(1) motion is AFFIRMED.