

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**February 16, 2018**

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SAUL ANTONIO FLORES-LOPEZ,

Defendant - Appellant.

No. 17-5088  
(D.C. Nos. 4:17-CV-00383-JHP-MJX and  
4:12-CR-00041-JHP-3)  
(N.D. Okla.)

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**ORDER DENYING CERTIFICATE OF APPEALABILITY\***

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Before **MATHESON, KELLY**, and **MURPHY**, Circuit Judges.

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The district court denied Oklahoma state prisoner Saul Antonio Flores-Lopez's application for habeas relief under 28 U.S.C. § 2255 on the ground that it was untimely under 28 U.S.C. § 2244(d).<sup>1</sup> To appeal that ruling, Mr. Flores-Lopez must obtain a certificate of appealability ("COA") from this court. *See* 28 U.S.C. § 2253(c)(1)(A) (requiring a COA to appeal "the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a

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\* This order is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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.

<sup>1</sup> In light of this court's recent decision in *United States v. Higley*, No. 17-1111 (10<sup>th</sup> Cir. Sep. 29, 2017), this matter was abated and remanded on a limited basis for the district court to consider whether to issue a COA. The district court denied a COA on February 13, 2018, and we lifted our abatement.

State court”). To obtain a COA, 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); accord *Dulworth v. Jones*, 496 F.3d 1133, 1137 (10th Cir. 2007).

Mr. Flores-Lopez does not address timeliness in his brief requesting a COA. Although we liberally construe Mr. Flores-Lopez’s filings because he represents himself, we do not act as his advocate. *Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008). Without an argument from Mr. Flores-Lopez as to why reasonable jurists would debate the district court’s ruling, we must deny a COA and dismiss this matter.

Entered for the Court

Scott M. Matheson, Jr.  
Circuit Judge