

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50385
Summary Calendar
Civil Docket #EP-98-CR-217-H

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OLEGARIO SOLIS-GONZALEZ, also known as Rogelio Guerrero,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas

May 9, 2001

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:*

Appellant Olegario Solis-Gonzalez was granted a certificate of appealability limited to the issue whether the district court correctly dismissed his § 2255 petition as time-barred pursuant to 28 U.S.C. § 2244(d)(1).

He did not brief this issue until his reply brief. In his principal brief, he raises only the merits of his claims. In

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this court, it is clear that we do not consider issues raised for the first time in a reply brief. Stephens v. C.I.T. Group Equip. Fin., Inc., 955 F.2d 1023, 1026 (5th Cir. 1992). Accordingly, we cannot consider the issue.¹

The judgment of the district court is **AFFIRMED**.

¹ Even if we were to consider the timeliness of appellant's petition, he would have difficulty persuading us that, although he voluntarily dismissed his appeal, the one-year period should be extended by the time limit for filing a petition for certiorari. Compare U.S. v. Gamble, 208 F.3d 536, 537 (5th Cir. 2000) (direct appeal dismissed involuntarily).