

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50852
Summary Calendar

JUAN ERNESTO CASTRO,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-00-CV-446

April 4, 2001

Before HIGGINBOTHAM, WIENER, AND BARKSDALE, Circuit Judges.

PER CURIAM:*

Juan Ernesto Castro, Texas prisoner number 774844, appeals the district court's dismissal of his 28 U.S.C. § 2254 petition for a writ of habeas corpus as time-barred. Castro has not shown that he is entitled to avail himself of one of the tolling provisions found in 28 U.S.C. § 2244(d)(1). Nor has he demonstrated that the district court erred in determining that his petition was time-barred. Castro argues other issues in his brief. However, because he was not granted a certificate of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appealability on these issues, we may not consider them. Lackey v. Johnson, 116 F.3d 149, 151-52 (5th Cir. 1997). We therefore AFFIRM the judgment of the district court.

AFFIRMED.