

June 21, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-50191  
Conference Calendar

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CHARLES ROBERT GRAY, JR.,

Petitioner-Appellant,

versus

DOUG DRETKE, DIRECTOR, TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS  
DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-03-CV-875  
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Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Charles Robert Gray, Jr. ("Gray"), Texas prisoner # 796322, appeals the district court's dismissal of his 28 U.S.C. § 2254 petition as time-barred. A certificate of appealability was previously granted. Gray argues that his petition, which he filed to challenge the loss of good-time credits due to a prison disciplinary proceeding, was timely filed. The respondent argues

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that Gray's appeal is moot due to his release on parole on October 14, 2004.

The respondent's arguments are meritorious. Gray has not shown an injury-in-fact, and his habeas claims are moot due to his release on parole. Spencer v. Kemna, 523 U.S. 1, 7 (1998); see Ex parte Hallmark, 883 S.W.2d 672, 674 (Tex. Crim. App. 1994) (good-time credits apply only to an inmate's eligibility for parole or mandatory supervision and do not affect the length of the inmate's sentence). Further, the revocation of Gray's parole would not result in the restoration of his good-time credits. See Hallmark v. Johnson, 118 F.3d 1073, 1075-76 (5th Cir. 1997); TEX. CODE ANN. § 498.004(b) (2005). Accordingly, Gray's appeal is DISMISSED AS MOOT.