

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20682  
Summary Calendar

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CHARLES B. WILLIAMS,

Petitioner-Appellant,

versus

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

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-97-CV-3959

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March 9, 2000

Before POLITZ, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:\*

The district court erred in dismissing Charles B. Williams' (Texas prisoner # 554523) 28 U.S.C. § 2254 petition as time-barred. The Texas Court of Criminal Appeals dismissed Williams' second state postconviction application on October 1, 1997, not on April 9, 1997, as found by the district court. Accordingly, we vacate the judgment and remand to the district court for further proceedings.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

VACATED AND REMANDED.