

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40169

Summary Calendar

HOWARD D. GREEN,
Petitioner - Appellant,
V.

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

Respondent - Appellee.

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

2:97-CV-82

July 12, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges:

PER CURIAM:*

Petitioner Howard Donald Green, Texas prisoner # 688904, challenges the district court's dismissal of his § 2254 application as untimely. Because Green's arguments are foreclosed by our earlier decisions in *Grooms v. Johnson*, 208 F.3d 488 (5th Cir. 1999) and *Graham v. Johnson*, 168 F.3d 762 (5th Cir. 1999), we AFFIRM.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

