

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30835
Summary Calendar

JAMES BUNCH,

Petitioner-Appellant,

versus

BURL CAIN, Warden,
Louisiana State Penitentiary,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-3688-T

December 1, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

James Bunch, Louisiana state prisoner #98639, has filed a request for the issuance of a certificate of appealability (COA) to appeal from the district court's denial of his 28 U.S.C. § 2254 petition. Bunch argues that the district court erred by denying his § 2254 petition as time-barred. Bunch's fourth application for state habeas relief tolled the applicable limitation period from May 14, 1996, until June 20, 1997. See 28 U.S.C. § 2244(d)(2). With the benefit of the resulting toll,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Bunch's federal habeas petition was filed within the limitations period established by the AEDPA. Accordingly, COA is GRANTED, the judgment of the district court is VACATED, and the case is REMANDED for further proceedings.