

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40988
Summary Calendar

JAMES ROBARD PICKETT,

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 Southern District of Texas
USDC No. G-98-CV-43

July 12, 2000

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

James Robard Pickett, Texas prisoner #563936, appeals the district court's dismissal of his habeas petition. The district court granted Pickett a certificate of appealability as to a single issue -- whether he was improperly denied credit for time served at a drug rehabilitation facility as a condition of remaining on parole. Because Pickett argued in the district court and on appeal that he was due the credit as a matter of state law, we affirm the dismissal of his habeas petition. We

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

are not empowered to oversee alleged errors under state law. See, e.g., Cronnon v. Alabama, 587 F.2d 246, 250 (5th Cir. 1979) ("we do not sit as a 'super' state supreme court in a habeas corpus proceeding").¹

AFFIRMED.

¹ We do not consider Pickett's federal constitutional arguments because he did not raise them until his reply brief on appeal. See Unida v. Levi Strauss & Co., 986 F.2d 970, 976 n.4. (5th Cir. 1993) (holding that an argument first raised in a reply brief is waived).