

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41113
Summary Calendar

DALE MONROE HART,

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-313
- - - - -

May 5, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

The district court granted a certificate of appealability (COA) for Dale Monroe Hart, Texas prisoner no. 522520, to appeal its ruling that Hart's motion for reconsideration filed in the Texas Court of Criminal Appeals after it denied his state habeas application did not toll the limitations period. Although Hart has recited the grounds for which COA was granted as an issue, he has not argued that the district court erred in finding that his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion for reconsideration was not "properly filed." Thus, he abandons the issue. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993)(although pro se pleadings must be liberally construed, arguments not briefed on appeal are deemed abandoned). The arguments Hart presents are not ones upon which COA was granted, and we do not address them. See Lackey v. Johnson, 116 F.3d 149, 151-52 (5th Cir. 1997). Accordingly, we AFFIRM the decision of the district court. Hart's motion that this court contact an attorney he previously consulted regarding his habeas case is DENIED.

AFFIRMED; ALL OUTSTANDING MOTIONS DENIED.