

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41304  
Conference Calendar

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CLINTON WAYNE SMITH,

Petitioner-Appellant,

versus

GARY L. JOHNSON, In his Official Capacity as Director,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:97-CV-830  
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June 16, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Clinton Wayne Smith, Texas prisoner # 397643, appeals the district court's dismissal of his 28 U.S.C. § 2254 application for a writ of habeas corpus, as barred by the one-year statute of limitations set forth in 28 U.S.C. § 2244(d). Smith argues that the district court erred in failing to toll the Antiterrorism and Effective Death Penalty Act's (AEDPA) limitations period from April 24, 1996, the date that the AEDPA became effective, until March 23, 1997, the date that the prison law library received

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

copies of the new habeas law. Smith is not entitled to equitable tolling on that basis. See Felder v. Johnson, 204 F.3d 168, 171-73 (5th Cir. 2000)(holding that a prisoner's actual ignorance of the AEDPA's limitations period, even if attributable to the newly-enacted statute's complete unavailability to inmates, does not serve as a basis for equitable tolling). The district court's judgment dismissing Smith's § 2254 application as time-barred is AFFIRMED.

AFFIRMED.