

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 30, 2008

No. 07-20055
Summary Calendar

Charles R. Fulbruge III
Clerk

ISAIAH HICKS

Petitioner-Appellant

v.

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:06-CV-2208

Before JOLLY, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:*

Isaiah Hicks, Texas prisoner # 1087433, appeals the dismissal as time barred of his 28 U.S.C. § 2254 petition challenging his aggravated robbery conviction. Hicks was granted a certificate of appealability on the issue "whether the limitations period should have been equitably tolled because [he] did not receive notice of the denial of his state habeas application." Hicks v. Quarterman, No. 07-20055 (5th Cir. Oct. 30, 2007) (unpublished). Hicks,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

however, has failed to brief that issue and has therefore waived its review. See *Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

AFFIRMED.