

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50808  
Summary Calendar

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ROBERT L. MOONE,

Petitioner-Appellant,

versus

GARY JOHNSON,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-97-CV-426  
- - - - -

July 1, 1998

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:\*

Robert L. Moone, Texas prisoner # 513855, appeals the district court's dismissal of his 28 U.S.C. § 2254 petition. He contends that the district court erred in dismissing his § 2254 petition as barred by the one-year statute of limitations in 28 U.S.C. § 2244(d)(1). Because Moone's § 2254 petition was not filed until May 27, 1997, it was not timely filed within the one-year statute of limitations period in § 2244(d)(1) which commenced on April 24, 1996. See United States v. Flores, 135

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.3d 1000, 1005 (5th Cir. 1998). Therefore, the district court did not err in dismissing Moone's § 2254 petition as barred by the one-year statute of limitations in § 2244(d)(1). Id.

Moone's motion for appointment of counsel is DENIED. Moone's motion for leave to supplement the record on appeal is also DENIED.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED; MOTION FOR LEAVE TO SUPPLEMENT RECORD ON APPEAL IS DENIED.