

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50114  
Summary Calendar

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JOHN WADE NEWTON,

Petitioner-Appellant,

VERSUS

GARY L. JOHNSON, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, INSTITUTIONAL DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-98-CV-662-JN  
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May 17, 2000

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

John Wade Newton, Texas state prisoner #811048, appeals from the district court's dismissal of his federal habeas petition as time-barred. Because Newton failed to address in his appellate brief the issue upon which this court granted a certificate of appealability, whether the district court erred by dismissing his habeas petition as time-barred, he has abandoned this issue. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Accordingly, the judgment of the district court is AFFIRMED. Newton's motion

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for time enlargement, construed as a motion for an extension of time in which to file a reply brief, is DENIED.

AFFIRMED; MOTION DENIED.