

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20809  
Summary Calendar

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RHONDA ANN FLEMING,

Petitioner-Appellant,

versus

JANIE COCKRELL, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CV-1969  
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August 7, 2002

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

PER CURIAM:\*

Rhonda Ann Fleming, Texas prisoner # 598829, appeals the district court's denial of her 28 U.S.C. § 2254 petition. A certificate of appealability (COA) was granted on the issue whether Fleming received the eleven-month flat-time credit to which she was entitled by court order. We review the district court's findings of fact for clear error and issues of law de novo. Evans v. Cockrell, 285 F.3d 370, 374 (5th Cir. 2002).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We hold that Fleming has not established that her mandatory supervised release date was improperly calculated. See Lockett v. Anderson, 230 F.3d 695, 707 (5th Cir. 2000) (burden is on petitioner to establish a constitutional violation). Fleming's conclusional allegation that her receipt of an eleven-month jail-time credit necessarily required that her mandatory supervised release date be pushed forward by eleven months is insufficient to establish a constitutional violation, because the calculation of her mandatory supervised release date is contingent on factors other than simply the amount of jail time served. See Koch v. Puckett, 907 F.2d 524, 530 (5th Cir. 1990).

To the extent that Fleming argues that she was entitled to good-time credits, COA was not granted on that issue, and it is therefore not before this court. See, e.g., United States v. Kimler, 150 F.3d 429, 431 (5th Cir. 1998). Fleming's motions for appointment of counsel and for release pending appeal are denied.

AFFIRMED.