

November 6, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20209
Summary Calendar

WARREN PIERRE CANADY,

Petitioner-Appellant,

versus

DOUG DRETKE, 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. H-98-CV-1947

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

PER CURIAM:*

Warren Pierre Canady, Texas prisoner # 723784, appeals the district court's denial of his 28 U.S.C. § 2254 petition in which he challenged his conviction for theft. As an initial matter, Canady's motions to supplement, which request that the record be supplemented with documents already part of the record on appeal, are DENIED. His motion to file a supplemental reply brief is GRANTED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Canady argues that he was denied a speedy trial. Although the 17-month delay is "presumptively prejudicial," United States v. Garcia, 995 F.2d 556, 560 (5th Cir. 1993), and Canady timely asserted his right to a speedy trial, our review of the record reveals that Canady failed to satisfy the other factors (reason for the delay and resulting prejudice) announced in Barker v. Wingo, 407 U.S. 514, 515, 530 (1972). See Nelson v. Hargett, 989 F.2d 847, 852 (5th Cir. 1993); Cowart v. Hargett, 16 F.3d 642, 647 (5th Cir. 1994). Accordingly, the judgment of the district court is AFFIRMED.