

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30415  
Conference Calendar

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EMMETT SPOONER,

Petitioner-Appellant,

versus

STATE OF LOUISIANA; IBERVILLE PARISH;  
RICHARD P. IEYOUB, Attorney General,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 94-CV-838  
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December 15, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Emmett Spooner seeks a certificate of probable cause ("CPC") to appeal the dismissal of his 28 U.S.C. § 2254 petition. We previously remanded the case to the district court for a determination whether Spooner was entitled to an extension of time within which to file his notice of appeal. See Spooner v. Louisiana, No. 97-30415 (5th Cir. Sept. 4, 1997). The district court having determined that no extension of time was warranted, the case is DISMISSED for lack of jurisdiction. See Fed. R. App. P. 4(a). Spooner's CPC motion is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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APPEAL DISMISSED; CPC DENIED.