

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40401  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TROY DONAVAN BOUNDS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. V-94-CR-1-2  
- - - - -

March 25, 1999

Before KING, Chief Judge, DAVIS and JONES, Circuit Judges.

PER CURIAM:\*

Troy Bounds ("Bounds"), federal prisoner # 66117-079, has appealed the denial of his motion to file a 28 U.S.C. § 2255 motion out of time and his motion for reconsideration of his motion to file a § 2255 motion out of time. He argues that the district court abused its discretion in refusing to toll equitably the one-year period of limitation and denying him leave to file his § 2255 motion. Bounds has failed to show that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court erred. The judgment of the district court is  
AFFIRMED.