

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40521
Summary Calendar

MARION CHARLES BUCHANAN, III,

Petitioner-Appellant,

versus

ORLANDO PEREZ, Warden,
McConnell Unit,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:98-CV-1915
- - - - -

April 11, 2000

Before JONES, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Marion Charles Buchanan, III, Texas prisoner #689086, appeals from the district court's dismissal of his federal habeas petition as time-barred on the issue whether the district court erred in failing to consider whether he had filed pleadings in state court, other than his two state applications for habeas corpus relief, that were properly filed and were applications for other collateral review so as to toll the limitation period under

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

28 U.S.C. § 2244(d)(2).

We have reviewed the record, the parties' briefs, and Buchanan's copies of the documents that he allegedly submitted in state court. We conclude that Buchanan has failed to demonstrate that these documents, other than his two state applications for habeas corpus relief, were properly filed and were applications for other collateral review so as to toll the limitation period. Buchanan has not shown that the district court erred in failing to expand the record to include these submissions. The one-year limitation period expired before Buchanan filed the instant federal habeas petition. Accordingly, Buchanan has not shown that the district court erred in dismissing his petition as time-barred. The judgment of the district court is AFFIRMED.