

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3199

Douglas Thompson,

Appellant,

v.

J. Booker, Warden, USP Leavenworth,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: December 2, 2002

Filed: December 11, 2002

Before MORRIS SHEPPARD ARNOLD, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Douglas Thompson appeals the district court's¹ dismissal, as time-barred, of his 28 U.S.C. § 2254 habeas corpus petition challenging one of his state court

¹The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.

convictions for murder² and the court's refusal to grant a certificate of appealability.³ For the reasons stated below, we affirm.

"The one-year statute of limitations in § 2244(d)(1) took effect on April 24, 1996. [His] conviction was then final under state law. Therefore, he had one year—until April 24, 1997—to file a federal habeas petition, unless the one-year limitation in § 2244(d)(1) was tolled." Gray v. Gammon, 283 F.3d 917, 918 (8th Cir. 2002). Thompson's state conviction was final in 1983. See Thompson v. Mo. Bd. of Prob. and Parole, 39 F.3d 186, 188 (8th Cir. 1994). Since he filed his current petition on June 7, 1999, and he has not met the requirements for tolling, his current application for writ of habeas corpus is time-barred by section 2244(d)(1).

Accordingly, we affirm the decision of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

²For a discussion of Thompson's criminal history, see Thompson v. Missouri Board of Probation and Parole, 39 F.3d 186, 187-89 (8th Cir. 1994).

³The issues Thompson raised in his application for a certificate of appealability are not the same as the issues he raised in his original petition for writ of habeas corpus; therefore, the denial of his application was appropriate. Abdullah v. United States, 240 F.3d 683, 685 (8th Cir. 2001) ("Generally, a habeas claim cannot be raised by a petitioner for the first time on appeal."), cert. denied, 534 U.S. 923 (2001).