

United States Court of Appeals
For the Eighth Circuit

No. 14-2970

Stacy S. Abram, IV

Plaintiff - Appellant

v.

Mike Allen, Sheriff, Crittenden County Arkansas; State of Arkansas; Wendy
Kelley,¹ Director, Arkansas Department of Correction

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Jonesboro

Submitted: April 1, 2015
Filed: April 14, 2015
[Unpublished]

Before WOLLMAN, MURPHY, and GRUENDER, Circuit Judges.

PER CURIAM.

¹Wendy Kelley has been appointed to serve as Director of the Arkansas Department of Correction, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

Stacy Abram appeals after the district court² denied his 28 U.S.C. § 2254 petition as untimely. The district court granted a certificate of appealability (COA) as to whether a possible jurisdictional problem with the judgment of conviction in the state trial court affected the timeliness analysis. After careful de novo review, we conclude that the district court's dismissal was proper. See 28 U.S.C. § 2244(d)(1)(A) (habeas application challenging state court judgment must be filed within 1 year of the date on which conviction became final); Holland v. Florida, 560 U.S. 631, 649-52 (2010) (§ 2254 petitioner is entitled to equitable tolling when he establishes he diligently pursued his rights and some extraordinary circumstance stood in his way of filing a timely petition); Camacho v. Hobbs, 774 F.3d 931, 932 (8th Cir. 2015) (standard of review); Johnson v. Hobbs, 678 F.3d 607, 610-11 (8th Cir. 2012) (extraordinary circumstance must be external and not attributable to petitioner); cf. Barreto-Barreto v. United States, 551 F.3d 95, 100 (1st Cir. 2008) (§ 2255 motion claiming trial court lacked jurisdiction must be filed within limitation period).

The judgment is affirmed. See 8th Cir. R. 47B.

²The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas.