

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2624

Robert David Raine,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the Western
	*	District of Missouri.
Dave Dormire, Superintendent; Jeremiah	*	
(Jay) Nixon, Attorney General of the	*	[UNPUBLISHED]
State of Missouri,	*	
	*	
Appellees.	*	

Submitted: February 12, 1999
Filed: February 18, 1999

Before BOWMAN, Chief Judge, and FAGG and HANSEN, Circuit Judges.

PER CURIAM.

Robert David Raine appeals the district court's denial of his 28 U.S.C. § 2254 habeas petition. For several reasons, we affirm. We first reject Raine's claim that he is actually innocent of the crime of rape. Raine has failed to show the allegedly new facts unquestionably establish his innocence, see Cornell v. Nix, 119 F.3d 1329, 1334 (8th Cir. 1997), and thus his freestanding actual innocence claim is not a proper ground for federal habeas relief, see Herrera v. Collins, 506 U.S. 390, 404-05 (1993); Meadows v. Delo, 99 F.3d 280, 283 (8th Cir. 1996). Similarly, Raine's claim that the trial court erroneously excluded lay testimony by Raine's family and friends is a

matter of state law that is not reviewable in this federal habeas proceeding. See Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). We also reject Raine's assertion that his Sixth Amendment right to a speedy trial was violated. Raine caused most of the delay before both of his trials, did not request a speedy trial until almost two years after his arrest, and has not shown the legitimate delays prejudiced him. See Reynolds v. Leapley, 52 F.3d 762, 763 (8th Cir. 1995). Last, we deny Raine's claim for sanctions.

Accordingly, we affirm the district court's denial of Raine's petition for a writ of habeas corpus.

A true copy.

Attest:

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