

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-4074

Rickey C. Brooks,

Appellant,

v.

Larry Norris, Director, Arkansas
Department of Correction,

Appellee.

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

[UNPUBLISHED]

Submitted: June 16, 2000

Filed: July 18, 2000

Before WOLLMAN, Chief Judge, BEAM, and BYE, Circuit Judges.

PER CURIAM.

Rickey C. Brooks petitioned for a writ a habeas corpus under 28 U.S.C. § 2254. The district court¹ found Brooks' petition was untimely filed, rejecting Brooks' contention that his federal statute of limitations was tolled during the pendency of his

¹The Honorable Garnett Thomas Eisele, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations from the Honorable Henry L. Jones, United States Magistrate Judge for the Eastern District of Arkansas.

state post-conviction proceeding because the late filing of his state action was excused by an ice storm that closed the state court house on the last day he could file it. After carefully reviewing the record and the relevant law, we agree the petition was untimely and affirm the well-reasoned decision of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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