

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 8, 2018

Lyle W. Cayce
Clerk

No. 16-10813
Summary Calendar

BRIAN BARKSDALE,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CV-3080

Before STEWART, Chief Judge, and ELROD and HIGGINSON, Circuit
Judges.

PER CURIAM:*

Brian Barksdale, Texas prisoner # 711336, has appealed the district court's judgment dismissing his application for a writ of habeas corpus challenging the respondent's denial of street-time-credit upon revocation of his parole in 2014. We previously granted a certificate of appealability with

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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respect to the question whether the district court erred in determining that Barksdale was not eligible for street-time credit under Texas Government Code § 508.283 because he was a person described in Texas Government Code § 508.149(a)(11).

We will defer to the state court's determination that Barksdale was ineligible for street-time credit as a matter of state law and, therefore, had not been denied a right guaranteed by the United States Constitution. *See Charles v. Thaler*, 629 F.3d 494, 500-01 (5th Cir. 2011). Barksdale has not shown that the state court's ruling "was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Harrington v. Richter*, 562 U.S. 86, 103 (2011). He has not shown that the state-court decision was both incorrect and objectively unreasonable. *See Woodford v. Visciotti*, 537 U.S. 19, 27 (2002). The judgment is AFFIRMED.