

United States Court of Appeals
For the Eighth Circuit

No. 16-1744

Jerome M. Meraz

Plaintiff - Appellant

v.

Tony Rodgers; Wendy Kelley, Director, Arkansas Department of Correction; Mike Shelite; Dustin McDaniels

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Harrison

Submitted: December 16, 2016
Filed: December 21, 2016
[Unpublished]

Before SMITH, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Jerome Meraz—who pleaded guilty in Arkansas in 2008 to stalking, kidnapping, residential burglary, and misdemeanor theft—appeals from the judgment of the District Court¹ denying his 28 U.S.C. § 2254 petition as time-barred.

Following de novo review, we agree with the District Court that the petition is time-barred. Even if we were to assume that the one-year limitations period under 28 U.S.C. § 2244(d)(1) was tolled during the pendency of Meraz’s collateral challenges to his criminal conviction in state court, his federal petition was still untimely filed with no grounds for equitable tolling. See Camacho v. Hobbs, 774 F.3d 931, 934–35 (8th Cir.) (discussing the dismissal of a § 2254 petition as time-barred following an Arkansas plea proceeding), cert. denied, 136 S. Ct. 81 (2015); Burns v. Prudden, 588 F.3d 1148, 1150 (8th Cir. 2009) (standard of review for equitable tolling).

We therefore affirm the judgment of the district court. We also grant counsel’s request to withdraw, and we deny as moot Meraz’s pending motion.

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas.