

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**OCT 17 2000**

**PATRICK FISHER**  
Clerk

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CLINTON E. McKIMBLE,

Petitioner - Appellant,  
vs.

JAMES L. SAFFLE, Director,  
Respondent - Appellee.

No. 00-6167  
(D.C. No. 00-CV-103-C)  
(W.D. Okla.)

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**ORDER AND JUDGMENT\***

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Before **BRORBY, KELLY, and MURPHY**, Circuit Judges.\*\*

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Mr. McKimble, an inmate appearing pro se, seeks to appeal from the dismissal of his habeas petition, 28 U.S.C. § 2254, as time-barred under § 2244(d). Mr. McKimble pleaded guilty to first-degree murder and was sentenced to life imprisonment on May 2, 1989. He had until April 23, 1997, to file his federal habeas petition. See *Hoggro v. Boone*, 150 F.3d 1223, 1226 (10th

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1 (G). The cause is therefore ordered submitted without oral argument.

Cir. 1998); United States v. Simmonds, 111 F.3d 737, 746 (10th Cir. 1997). Mr. McKimble's applications for state post-conviction relief sought subsequent to the April 23, 1997, deadline do not toll the limitation period. See 28 U.S.C. § 2244(d)(2). The instant petition was filed January 13, 2000. We agree with the magistrate judge that Mr. McKimble has not shown circumstances warranting equitable tolling. See Miller v. Marr, 141 F.3d 976, 978 (10th Cir.), cert. denied, 525 U.S. 891 (1998). Claims of inadequate access to lawbooks due to prison transfers are far too general. We agree with the district court that Mr. McKimble's reliance upon Roe v. Flores-Ortega, 528 U.S. 470 (2000), and Bousley v. United States, 523 U.S. 614 (1998), is misplaced. The principles set forth in those cases do not extend the limitation period.

We DENY the motion to proceed in forma pauperis, the application for a certificate of appealability, see Slack v. McDaniel, 120 S. Ct. 1595, 1604 (2000), and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge