

United States Court of Appeals For the First Circuit

No. 00-1044

TREVOR NEVERSON,
Petitioner, Appellant,

v.

LYNN BISSONNETTE,
Respondent, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Reginald C. Lindsay, U.S. District Judge]

Selya, Circuit Judge

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subsequent petition? (2) Does the filing of a subsequent habeas
petition relate back

27, 1998, rendered Petition No. 2 timeous (i.e., filed within one year of April 24, 1996, after subtracting "tolled" periods).

We reject this argument. To the extent that the petitioner asks us to determine what Congress meant when it wrote that the AEDPA's limitation period, 28 U.S.C. § 2244(d)(1), would "tolle" the statute of limitations period if a state action pursued the

review' within the meaning of 28 U.S.C. § 2244(d)(2)," id. at
2129 - sounds the death knell for the petitioner's main
argument. On this basis, we rule that the petition for writ of habeas corpus is denied.

and stay further proceedings pending the complete exhaustion of state remedies"); see

section 2244(d)(1)'s one-year limitation period on equitable grounds, e.g., Davis v. Johnson, 158 F.3d 806, 810 (5th Cir. 1998), cert. denied

equitable tolling, it must then resolve the unanswered legal question: Is equitable tolling available to extend the one-year

