

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 17 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOEL ST. GERMAIN,

Petitioner - Appellant,

v.

MIKE FERRITER, Montana Department
of Corrections,

Respondent - Appellee.

No. 13-35376

D.C. No. 9:12-cv-00108-DLC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, Chief District Judge, Presiding

Submitted March 5, 2015**
Portland, Oregon

Before: FISHER, PAEZ and IKUTA, Circuit Judges.

Joel St. Germain appeals the dismissal of his petition for habeas corpus under 28 U.S.C. § 2254 collaterally attacking his convictions under Montana law.

We affirm.

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

**The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The petition is untimely. The one-year statute of limitations period expired on June 3, 2012, but St. Germain did not file his habeas petition until June 21, 2012. Contrary to St. Germain's assertions, the state did not waive its statute of limitations defense. It has consistently maintained throughout the course of this litigation that the petition was time-barred. *Cf. Wood v. Milyard*, 132 S. Ct. 1826, 1831-32 (2012).

AFFIRMED.