

**07-6984 JIMENEZ V. QUARTERMAN**

DECISION BELOW: 06-11240

LOWER COURT CASE NUMBER: 06-11240

**QUESTION PRESENTED:**

QUESTION ONE : "Whether a Certificate of Appealability should have issued pursuant to Slack v McDaniel, 529 U.S. 473, 482, 120 S.Ct. 1595, 1604 (2000) on the question of Whether pursuant to 28 U.S.C. § 2244 (d)(1)(A) When through no fault of the petitioner, he was unable to obtain a direct review and the highest State Court granted relief to place him back to original position on direct review, should the 1-year limitations begin to run after he has completed that direct review resetting the 1— year limitations period?"

QUESTION TWO : "Whether a Certificate of Appealability should have issued pursuant to Slack v. McDaniel, 529 U.S. 473, 482, 120 S.Ct. 1595. 1604 (2000) on the question of Whether the circumstances of petitioner's cause of action present rare and exceptional circumstances warranting equitable tolling of the 1—year limitations period of 28 U.S.C. § 2244 (d)(1)(2)?"

**GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.**

**CERT. GRANTED 3/17/2008**