

FILED

August 17, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-31126
Conference Calendar

WILLIAM S. JOHNSON,

Petitioner-Appellant,

versus

BURL CAIN, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-1338-A

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

William S. Johnson, Louisiana prisoner no. 99104, is serving a life sentence for the 1978 murder of his mother. Johnson v. Cain, 215 F.3d 489 (5th Cir. 2000). He appeals a district court's final decision foreclosing consideration of claims raised in his 28 U.S.C. § 2254 application in 1997 but not addressed by the district court at that time. We have already determined that the claims need not be considered now because Johnson did not contemporaneously attempt to appeal the court's failure to

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

consider them. In re: Johnson, No. 02-30895 (5th Cir. Dec. 5, 2002) (unpublished). Johnson does not show that our prior decision is clearly erroneous or would work a manifest injustice such that the "law of the case" doctrine does not apply. See Hopwood v. Texas, 236 F.3d 256, 272-73 (5th Cir. 2000).

Nonetheless, we have considered Johnson's unaddressed claims and find no merit in them.

The decision of the district court is

AFFIRMED.