

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10848
Summary Calendar

WILLIE LOUIS EVERITT,

Petitioner-Appellant,

versus

GARY JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-539-Y
- - - - -

April 24, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Appellant appeals the denial of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner argues that the state court erred in denying his motion to suppress evidence; that the evidence was insufficient to support his conviction for possession of a controlled substance; that the trial court's denial of his challenges to two venire members rendered his trial fundamentally unfair; that his sentence is

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

unlawful because the \$10,000 fine was not authorized by Texas statute; and that the trial court erred in dismissing the jury before it determined whether appellant committed the theft offense listed in the enhancement allegation of the indictment. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for essentially the reasons adopted by the district court. Everitt v. Johnson, No. 4:94-CV-539-Y (N.D. Tex. Aug. 30, 1995).

AFFIRMED.