

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40907
Conference Calendar

DERRYL LEE BUCKINGHAM,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director, Texas
Department of Criminal Justice,
Institutional Division,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-560
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Derryl Lee Buckingham appeals the district court's dismissal without prejudice of his 28 U.S.C. § 2254 petition for failure to exhaust state court remedies. Because Buckingham failed to exhaust his state court remedies, the district court did not err in dismissing Buckingham's federal habeas petition. See Rose v. Lundy, 455 U.S. 509, 522 (1982).

AFFIRMED.

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.