

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40938
Summary Calendar

BENNIE GRISMORE,

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. 6:93-CV-496

June 25, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Bennie Grismore appeals, *pro se*, the dismissal of his 28 U.S.C. § 2254 petition. He contends that his rights were violated by the failure to apply retroactively new Texas state law requiring a definition of reasonable doubt in the jury charge. He contends also that his due process rights were violated by the trial court's admission of evidence of an extraneous offense. We affirm for

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

essentially the reasons adopted by the district court. *Grismore v. Collins*, No. 6:93-CV-496 (E.D. Tex. October 26, 1995). We do not address Grismore's ineffective assistance of counsel contentions, raised for the first time on appeal.

AFFIRMED