

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50580
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY JOSEPH CULLUM,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
(W-93-CA-346)

January 15, 1996
Before GARWOOD, SMITH and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:

Larry Joseph Cullum argues that the district court abused its discretion in denying his 28 U.S.C. § 2255 motion for abuse of the writ. Cullum argues that he has demonstrated "cause" for his failure to raise the issues of double jeopardy and his absence during jury selection in his criminal trial in his prior section 2255 motion. He argues that he was precluded from presenting these

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

claims because the government refused to provide him with an inventory of his seized property and a transcript of the jury impanelment at his criminal trial. Cullum's reply brief makes insulting, unfounded allegations against the district judge. The reply brief is STRICKEN.

We have viewed the record, the opinion of the district court, and the briefs, and find that the denial of Cullum's section 2255 motion should be affirmed substantially for the reasons stated by the district court. It is clear that before his prior section 2255 proceeding was filed in January 1992, there was available to Cullum sufficient factual information to raise the two above-mentioned claims, and that the legal theories involved were not then so novel as to constitute cause for not raising the claims.

AFFIRMED.