

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50646  
Summary Calendar

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JOSE ESTRADA MEDRANO,

Petitioner-Appellant,

versus

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

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-92-CV-92  
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June 17, 1996

BEFORE DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Jose Estrada Medrano appeals from the district court's denial of his 28 U.S.C. § 2254 petition for a writ of habeas corpus, arguing that his *ex post facto* rights were violated when his wife was permitted to testify for the state during his 1987 murder trial. We affirm for essentially the reasons stated by the magistrate judge and district court. See Medrano v. Scott,

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

No. EP-92-CA-92-H (W.D. Tex. July 31, 1995). Medrano has abandoned a claim that the prosecution improperly referred to his failure to testify at trial. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

AFFIRMED.