

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30606
Summary Calendar

RONNIE JAMES,

Petitioner-Appellant,

versus

BURL CAIN, Acting Warden,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 93-CV-389-M

January 14, 1997
Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Ronnie James, a Louisiana prisoner (# 81438), appeals the district court's denial of his 28 U.S.C. § 2254 petition for a writ of habeas corpus as an abuse of the writ. This court had reversed and remanded James' previous appeal of the denial of his petition, directing the district court to determine: whether

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

James' trial counsel had failed to inform James of parole procedure when James pleaded guilty to second-degree murder in 1976; if so, whether this failure constituted ineffective assistance of counsel; and whether in these circumstances James would be prejudiced by having his petition dismissed as an abuse of the writ. See James v. Cain, 56 F.3d 662 (5th Cir. 1995). Because James cannot show prejudice as to his ineffective-assistance claim, see Armstead v. Scott, 37 F.3d 202, 206, 210-11 (5th Cir. 1994), cert. denied, 115 S. Ct. 1709 (1995), the district court did abuse its discretion in dismissing his petition as an abuse of the writ.

AFFIRMED.