

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10185
Summary Calendar

MICHAEL HOWARD BERTOK,

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 Northern District of Texas
USDC No. 4:96-CV-333-A
- - - - -

September 2, 1997

Before JOLLY, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Michael Howard Bertok, Texas state prisoner #631579, appeals from the district court's dismissal of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This court previously granted Bertok a certificate of appealability on the issue whether retroactive application of a TDCJ policy discontinuing the restoration of forfeited good-conduct time violates the Ex Post Facto Clause. We have reviewed the record

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

and find no reversible error. See Hallmark v. Johnson, ___ F.3d ___ (5th Cir. July 25, 1997, No. 95-20752), 1997 WL 420147.

Accordingly, the judgment of the district court is AFFIRMED.