

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20774
Summary Calendar

ANTHONY JOHN LIAPES,

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 Southern District of Texas
USDC No. H-96-CV-1890
- - - - -

January 23, 1998

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:*

Anthony John Liapes, Texas prisoner # 583058, requests a certificate of appealability (COA) to appeal from the district court's grant of summary judgment dismissing his federal habeas petition. Liapes challenges the manner in which his sentence is being executed, arguing that Respondent has unlawfully

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

restructured his sentences by changing his mandatory-supervision release date.

Liapes is not eligible for mandatory supervision because he is serving a sentence for an offense for which the judgment contains an affirmative finding of a deadly weapon. Accordingly, the judgment of the district court is AFFIRMED. To the extent that a COA is required, it is DENIED because Liapes has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

AFFIRMED. COA DENIED.