

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30765  
Summary Calendar

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JOHN W. PATTON,

Petitioner-Appellant,

versus

TEXAS DEP'T OF  
CRIMINAL JUSTICE-ID;  
STATE OF LOUISIANA;  
RICHARD P. IEYOUB,  
Attorney General, State  
of Louisiana; ATTORNEY  
GENERAL, STATE OF TEXAS,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 97-CV-304-C  
- - - - -

February 27, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

John Patton, Texas state prisoner #751103, 3BC-66, argues that the district court erred in dismissing his 28 U.S.C. § 2254 application for lack of subject-matter jurisdiction. Patton's motion to recuse has been construed as a motion to disqualify

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Assistant District Attorney Terry Boudreaux from representing the respondent on appeal and is DENIED.

We have reviewed the record and the briefs of the parties and affirm the dismissal of Patton's habeas application for lack of subject-matter jurisdiction substantially for the reasons adopted by the district court. See Patton v. Texas Dep't of Criminal Justice, No. 97-CV-304-C (E.D. La. June 25, 1997).

AFFIRMED.