

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40551
Summary Calendar

LOUIS PRESTON JONES,

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 Eastern District of Texas
USDC No. 6:97-CV-664
- - - - -

January 27, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:¹

Louis Preston Jones, Texas prisoner # 520758, appeals the district court's dismissal of his 28 U.S.C. § 2254 petition for writ of habeas corpus. The district court granted a certificate of appealability ("COA") on the issue whether "he was denied his Sixth Amendment right to counsel when the officers initiated an interrogation after indictment and in the absence of retained counsel." The state trial court denied Jones' motion to suppress his statement, and the state appellate court found that Jones, not

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

the law enforcement officers, initiated the interrogation. Jones has not rebutted the presumption of correctness of this finding by clear and convincing evidence, and the finding is not an unreasonable determination of the facts presented in the state-court proceedings. See 28 U.S.C. § 2254(d)(2) & (e)(1).

AFFIRMED.