IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 99-50883

DOMINGO MARTINEZ,

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 Western District of Texas
(D.C. No. A-96-CV-695)

May 4, 2000

Before REAVLEY, DAVIS and BARKSDALE, Circuit Judges.

PER CURIAM:*

Our question is whether under the evidence, considered in the light most favorable to the prosecution, any rational trier of fact could have found beyond a reasonable doubt that Domingo Valdez Martinez possessed at least 400 grams in aggregate weight of methamphetamine, including adulterants and dilutants. See Jackson v. Virginia, 443 U.S. 307 (1979).

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The complaint is that the testimony indicates that no more than 260.5 grams of the methamphetamine was pure and that the additives should not be counted. The answer to that complaint is that the state produced expert testimony that appellant had more than 400 grams of methamphetamine in final and useable form. The Texas court upheld the verdict as supported by the evidence. No federal law is implicated and habeas corpus must be denied.

AFFIRMED.