

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10607
Summary Calendar

JAMES PRESTON HOPEWELL,

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. 3:95-CV-965-X
- - - - -

April 26, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

James Preston Hopewell, Texas prisoner # 300023, appeals the district court's denial of his 28 U.S.C. § 2254 petition for writ of habeas corpus. Hopewell alleged that he was denied effective assistance of counsel because his trial attorney allowed him to be tried on six felony charges before one jury.

We have reviewed thoroughly the briefs, the record, and the applicable law, and hold that Hopewell has failed to show that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counsel's alleged errors were both deficient and prejudicial.

See Strickland v. Washington, 466 U.S. 668, 687 (1984).

Accordingly, he is not entitled to habeas relief on the basis of ineffective assistance of counsel.

AFFIRMED.