

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50233  
Summary Calendar

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DANIEL CLEVELAND,

Petitioner-Appellant,

versus

LESTER E. FLEMING, Warden, ET AL,

Respondents,

LESTER E. FLEMING, Warden,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
(A-97-CV-776)

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December 30, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Having reviewed appellant's brief in light of the record and applicable authorities; we affirm for essentially the same reasons contained in the magistrate judge's report, as approved by the district court.

AFFIRMED.

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.