

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30224
Summary Calendar

SAMMIE LEE HARRIS,

Petitioner-Appellant,

versus

WARDEN, AVOYELLES CORRECTIONAL CENTER,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(98-CV-815)

October 20, 1999

Before POLITZ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:*

Petitioner-Appellant Sammie Harris, Louisiana prisoner #309967, appeals from the denial of his pro se habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Harris was granted a certificate of appealability by the district court on two issues: (1) whether he was entrapped and (2) whether his counsel rendered ineffective assistance for failing to raise the defense of entrapment.

Harris was not entrapped because he was not induced to engage in criminal conduct. See Jones v. Jones, 163 F.3d 285, 304-05 (5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cir. 1998), petition for cert. filed, ___ S. Ct. ___, (July 13, 1999)(No. 99-5263). Thus, entrapment was not a viable defense, and Harris cannot demonstrate prejudice arising from counsel's failure to raise the issue of entrapment. Id.

AFFIRMED.