

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Summary Calendar  
No. 95-10559

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CHARLES ANDREW BRUNSTON,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director,  
Texas Department of Criminal Justice,  
Institutional Division,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CV-1619-H  
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February 26, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Charles Andrew Brunston appeals from the district court's order denying his 28 U.S.C. § 2254 petition for a writ of habeas corpus. He makes the following arguments: the district court erred in finding that he procedurally defaulted his claim that the evidence was insufficient to support his conviction for conspiracy to possess cocaine; the trial court's jury charge

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

permitted the jury to presume intent; the jury engaged in misconduct; during voir dire, the trial court failed to "qualify" the jury in accordance with a Texas statute; and Brunston received ineffective assistance of counsel at both the trial and appellate levels. We have reviewed the record, the magistrate judge's report and recommendation, and the district court's order adopting the magistrate judge's report, and we find no reversible error. We affirm for essentially the reasons given by the magistrate judge. Brunston v. Scott, No. 3-94-CV-169-H (N.D. Tex. May 18, 1995).

Brunston has filed motions to strike the appellee's response brief and for an extension of time to file a reply brief. These motions are based on meritless arguments and are therefore denied.

AFFIRMED.

MOTIONS DENIED.