

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30937
Summary Calendar

Charles Carrigan,

Petitioner-Appellant,

versus

Edgar C. Day, Warden, Washington Correctional
Institution; Richard P. Ieyoub, Attorney
General, State of Louisiana,

Respondents-Appellees.

Appeal from the United States District Court for the
Eastern District of Louisiana
USDC No. CA95-1213-E

April 17, 1996

Before KING, SMITH, and BENAVIDES, Circuit Judges.

BENAVIDES, Circuit Judge:*

Charles Carrigan appeals from the district court's dismissal without prejudice of his 28 U.S.C. § 2254 petition for a writ of habeas corpus, for failure to exhaust state remedies. A review of the record supports the district court's finding that, as to most of the claims Carrigan now raises, he has failed to seek relief

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

from the Louisiana Supreme Court. See Carrigan v. Day, No. CA95-1213-E (E.D. La. Aug. 2, 1995). Carrigan's assertion that exhaustion would be an "exercise in futility" is not supported by the record. The district court correctly dismissed Carrigan's § 2254 action for failure to exhaust his state remedies.

AFFIRMED.