

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60751
Conference Calendar

DONNIE MCDONALD,

Petitioner-Appellant,

versus

RAYMOND ROBERTS, Superintendent,
Mississippi State Penitentiary;
STEVE W. PUCKETT;
MICHAEL C. MOORE, Attorney General of
the State of Mississippi,

Respondents-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:95-CV-208-D-D

- - - - -
August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court dismissed Donnie McDonald's, #63622, petition under 28 U.S.C. § 2254 without prejudice for failure to exhaust state habeas remedies. At no time has McDonald asserted that he presented the issue of the trial court's denial of his motion to suppress to the Mississippi state courts. Exhaustion

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

of all claims in state court prior to requesting federal collateral relief is a fundamental prerequisite to federal habeas relief under § 2254. Sterling v. Scott, 57 F.3d 451, 453 (5th Cir. 1995), cert. denied, 116 S. Ct. 715 (1996).

AFFIRMED.