

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50396  
Summary Calendar

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JUAN T. JONES,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION, ET AL.,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-96-CA-67  
- - - - -

September 4, 1996

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:\*

Juan T. Jones, Texas inmate #501610, appeals the dismissal of his habeas petition for abuse of the writ. See Rule 9(b) of the Rules Governing Section 2254 Cases. Jones fails to argue the propriety of the Rule 9(b) dismissal. Therefore, the issue is deemed abandoned on appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Because the only issue which could be

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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raised on appeal is abandoned, the appeal is frivolous. 5th Cir.

R. 42.2. Therefore, the appeal is DISMISSED.