

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-30160  
Summary Calendar

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GREGORY SAVAGE,

Petitioner-Appellant,

versus

BURL CAIN, Warden, Louisiana  
State Penitentiary,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CV-1540  
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July 29, 1999

Before KING, Chief Judge and HIGGINBOTHAM and STEWART, Circuit  
Judges.

PER CURIAM:\*

The district court granted a certificate of appealability (COA) for Gregory Savage, Louisiana prisoner no. 127336, to appeal whether exculpatory evidence was withheld in violation of Brady v. Maryland, 373 U.S. 83, 87 (1963). Savage's motion for appointment of counsel is DENIED. Having reviewed the record, the arguments on appeal, and the evidence in dispute -- a log of the investigation made by Catahoula Parish Deputy Sheriff Paul A. Blunchi, we hold that the evidence was neither material or

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

exculpatory. There was thus no violation of Brady. See United States v. Green, 46 F.3d 461, 464 (5th Cir. 1995). The district court's denial of Savage's 28 U.S.C. § 2254 petition for a writ of habeas corpus is AFFIRMED.

Savage requests a COA to appeal whether counsel was ineffective for failing to call and/or question various witnesses about temporal discrepancies in evidence regarding when investigators discovered that a phone call was placed to Savage's uncle from the crime scene. Savage has failed to make a substantial showing that he was denied effective assistance of counsel; COA is therefore DENIED. See 28 U.S.C. § 2253(c)(2).

AFFIRMED; COA DENIED; ALL OUTSTANDING MOTIONS DENIED.