

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30967
Summary Calendar

EMANUEL JULIEN,

Petitioner-Appellant,

VERSUS

BURL CAIN, Warden, Louisiana State Penitentiary,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No.99-CV-41-K

August 23, 2000

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

PER CURIAM:*

Emanuel Julien, Louisiana inmate # 110718, appeals the denial of his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. Julien argues that he was constructively denied the effective assistance of appellate counsel because his lawyer did not argue that the trial court erred when it admitted evidence of an extraneous offense.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The record does not show that Julian was in effect denied any meaningful assistance at all. Childress v. Johnson, 103 F.3d 1221, 1229 (5th Cir. 1997). Julien's appellate counsel raised two appellate issues, one of which was initially successful inasmuch as the appellate court remanded the case for resentencing. See Sharp v. Puckett, 930 F.2d 450, 451-52 (5th Cir. 1991). Moreover, Julien has not demonstrated that the error complained of resulted in prejudice under Strickland v. Washington, 466 U.S. 668, 689-94 (1984). Jackson v. Johnson, 150 F.3d 520, 525 (5th Cir. 1998); Bagley v. Collins, 1 F.3d 378, 380 (5th Cir. 1993).

The judgment of the district court is AFFIRMED.