

No.

-1-

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40794
Summary Calendar

KEVIN DURANT BANKS,

Plaintiff-Appellant,

VERSUS

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

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-97-CV-593

June 27, 2000

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

PER CURIAM:*

Kevin Banks, Texas prisoner number 603713, appeals the district court's dismissal of his habeas corpus petition. He argues that his plea was involuntary and his counsel was ineffective. The state-court decisions on these issues were grounded in its factual findings. Banks has failed to rebut these factual findings by clear and convincing evidence. See Davis v. Johnson, 158 F.3d 806, 812 (5th Cir. 1998), cert. denied, 119 S. Ct. 1474 (1999). Consequently, the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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