

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50453
Summary Calendar

JEREMY M. LANGE,

Petitioner-Appellant,

versus

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

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-00-CV-51-HG

February 8, 2001

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jeremy Lange ("Lange") was granted a certificate of appealability ("COA") to appeal the district court's denial of federal habeas relief on his contention that the appellee violated the Thirteenth Amendment and the Ex Post Facto Clause by requiring him to perform labor.

As a preliminary matter, Lange's motion to extend his COA is DENIED. Lange has made no attempt to make the threshold substantial showing of the denial of a constitutional right with

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

respect to the denial of his claims alleging violations of the Due Process and Equal Protection Clauses and the doctrine of separation of powers. See United States v. Kimler, 150 F.3d 429, 431 & n.1 (5th Cir. 1998).

This court may "affirm the district court's judgment on any grounds supported by the record." Sojourner T v. Edwards, 974 F.2d 27, 30 (5th Cir. 1992). The district court's denial of Lange's ex post facto and thirteenth amendment claims is affirmed on the grounds that the claims are not cognizable in a habeas corpus petition. A favorable determination on Lange's ex post facto and thirteenth amendment claims would not automatically entitle him to an accelerated release. See Carson v. Johnson, 112 F.3d 818, 820-21 (5th Cir. 1997).

AFFIRMED; MOTION TO EXTEND COA DENIED.