

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30057
Summary Calendar

WILLIE SAMUEL

Petitioner - Appellant

v.

WARDEN AVOYELLES CORRECTIONAL CENTER

Respondent - Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CV-467

September 30, 2002

Before KING, Chief Judge, and DeMOSS and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Willie Samuel, Louisiana prisoner # 233921, was convicted of
distribution of crack cocaine and was sentenced as a habitual
offender. Louisiana v. Samuel, No. 99-76, (La. Ct. App. June 2,
1999) (unpublished). Samuel filed an application for writ of
habeas corpus pursuant to 28 U.S.C. § 2254 in federal district
court arguing, among other things, that he was entitled to
federal habeas relief because his motions to recuse the trial

* 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that this opinion should not be published and is not precedent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.

judge had been denied. The basis for this argument is that the trial judge had been an Assistant District Attorney in Rapides Parish in 1988 when Samuel had been prosecuted for murder.

"[T]he floor established by the Due Process Clause clearly requires a fair trial in a fair tribunal before a judge with no actual bias against the defendant or interest in the outcome of his particular case." Bracy v. Gramley, 520 U.S. 899, 904-05 (1997). The state court of appeals rejected the bias argument on direct appeal because the case had been tried before a jury and there was no indication in the record of bias by the trial judge. The district court denied relief because Samuel did not show that the state court's rejection of his bias claim was in violation of the clearly established federal law of due process or that the factual finding of no actual bias was unreasonable. See 28 U.S.C. § 2254(d). Finding no error, we AFFIRM. Williams v. Taylor, 529 U.S. 362, 409 (2000).

AFFIRMED.