

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40549
Conference Calendar

RICARDO MORENO,

Petitioner-Appellant,

versus

JANIE COCKRELL, 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-01-CV-451

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Ricardo Moreno, Texas prisoner # 292560, appeals the district court's denial of his 28 U.S.C. § 2254 habeas petition in which he alleged that, although he has a life sentence, he has a liberty interest in mandatory supervision release. He argues that under Texas law, 60 years' imprisonment constitutes a life sentence and that the State provided prisoners with the expectancy of release when their calendar time served plus good

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

time credits equal 60 years. He further argues that the district court erred in relying on Ex parte Franks, 71 S.W.3d 327, 327-28 (Tex. Crim. App. 2001), in which the Texas Court of Criminal Appeals decided that inmates sentenced to life imprisonment were not eligible for release on mandatory supervision.

Moreno's arguments are foreclosed by this court's decision in Arnold v. Cockrell, 306 F.3d 277, 279 (5th Cir. 2002).

AFFIRMED.