

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 24, 2008

No. 07-30242
Summary Calendar

Charles R. Fulbruge III
Clerk

CHARLES RODGERS

Petitioner-Appellant

v.

BURL CAIN, WARDEN, LOUISIANA STATE PENITENTIARY

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:06-cv-933

Before STEWART, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Charles Rodgers, Louisiana prisoner # 459570, appeals the district court's dismissal of his 28 U.S.C. § 2254 application challenging his conviction and sentence for armed robbery.

Rodgers argues that the district court erred in determining that his trial counsel was not ineffective for failing to cross-examine the victim effectively concerning discrepancies between her identification of him as her assailant at trial and her failure to identify him in her written statement to police. Rodgers

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

further contends that due to counsel's failure to effectively cross-examine the victim on this issue or concerning a police report describing the perpetrators as "unidentified," the trial court refused to admit the written statement or police report into evidence. Due to the additional overwhelming evidence against Rodgers, including a videotaped confession that Rodgers does not challenge on appeal, Rodgers has not shown any deficiencies in his trial counsel's actions that prejudiced his defense. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984). As a result, Rodgers has not established that the state court's denial of relief "was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States," or "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." § 2254(d)(1) & (2). The judgment of the district court is AFFIRMED.