

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2011

No. 10-30027

Lyle W. Cayce
Clerk

EDWARD E. PRICE,

Petitioner-Appellant,

versus

BURL CAIN, Warden, Louisiana State Penitentiary,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
No. 3:07-CV-937

Before GARWOOD, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

In this habeas corpus action, Edward Price claims an improper strike of a potential juror under *Batson v. Kentucky*, 476 U.S. 79 (1986). We have read

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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the briefs and pertinent portions of the record and have consulted the applicable law and have heard the arguments of counsel. The sole question is whether the magistrate judge committed clear error in making the credibility determination that the state's jury strikes were not based on race. We conclude that there was no clear error.

The judgment is **AFFIRMED**.