UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 92-4761
Summary Calendar

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WILLIE FOSTER SELLERS,

Petitioner-Appellant,

versus

JAMES A. COLLINS, Director
Texas Dept. of Criminal Justice,
Institutional Division, ET AL.,

Respondents-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
(CA-9-91-27)

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(December 15, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Appellant Sellers is confined in the TDC-IJ for a 99-year term for aggravated bank robbery. His federal habeas petition alleged numerous grounds for relief, all of which were succinctly rejected by the district court. On appeal, he reargues those

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* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

issues. We affirm, adding only the following brief comments to the district court's discussion.

## I. Interstate Agreement on Detainers Act

The Act was violated neither literally nor in its spirit when Sellers, before trial of the instant case, was sent for two days to a federal prison in Georgia after he was subpoenaed to testify in another criminal case. He had previously been incarcerated in the federal prison in Marion, Illinois, so the Georgia facility was not the "original place of confinement." See Art. IV(e) of the Interstate Agreement on Detainers Act.[1] Further, the purpose of Sellers' sojourn to Georgia was not for incarceration in violation of the IADA, but for testimony in another criminal trial.

## II. Interference with Right of Self-Representation

Although warned about the shortcomings of acting as his own attorney, Sellers insisted upon doing so. The state court nevertheless appointed standby counsel to assist him, and Sellers was at that time satisfied that the attorney had been helpful and cooperative. Sellers now contends that the state's refusal to allow him unfettered access to a law library, use of a telephone, visits by potential witnesses, and its censorship of his mail prevented him from preparing an adequate defense. Even if this court were to hold that denial of access to a law library may

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[1] Article IV(e) provides that "[i]f trial is not had . . . prior to the prisoner's being returned to the original place of imprisonment . . . such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice."

prevent meaningful self representation,[2] however, that claim does not assist Sellers. First, standby counsel was available and did assist Sellers in obtaining legal materials. Second, Sellers' previous escape from a federal prison and his long criminal history provided strong justification for the state's restricting his personal access to the law library. Third, even after Sellers knew he would not be allowed to visit the library, he continued to assert his right to self-representation.

## III. Evidence of "Extraneous Offense"

Sellers complains of testimony given by witness Charles Lavendar that shortly after the bank robbery, he observed a green Chrysler parked in the woods near his family's property. He thought two people were in the car, he drove toward it, and someone started shooting at him from the car. He could not say that Sellers had shot at him.

Sellers contends that this is "extraneous offense evidence," governed by the two-prong test that the offense must be "rationally connected with the offense charged," and there must be a strong showing that the defendant committed the offense. Enriquez v. Procunier, 752 F.2d 111, 115 (5th Cir. 1984) cert. denied, 471 U.S. 1126 (1985). In light of the multitude of evidence linking Sellers to the green Chrysler and the commission

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[2] Compare Borning v. Cain, 754 F.2d 1151, 1152-53 (5th Cir. 1985), United States v. Bynum, 566 F.2d 914, 918 (5th Cir.), cert. denied 439 U.S. 840 (1978), with United States v. Sammons, 918 F.2d 592, 602 (6th Cir. 1990); United States v. Robinson, 913 F.2d 712, 717 (9th Cir. 1990), cert. denied, 498 U.S. 1104 (1991). That Sellers was denied personal access to the law library did not cause him to retreat from his request for self-representation.

of the bank robbery, this evidence did not involve merely an "extraneous offense" regardless whether he has been separately indicted for the shooting, but was part of the continuing criminal episode in which both Sellers and Powell were involved.

None of the other objections raised by Sellers to the conduct of the trial rises to the level of a constitutionally significant defect. The district court correctly addressed those other issues.

The judgment denying habeas relief is AFFIRMED.