

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8603
Conference Calendar

VICTOR WAYNE SCOTT,

Petitioner-Appellant,

versus

JAMES A. COLLINS, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-92-CV-106
- - - - -

August 19, 1993

Before JOLLY, JONES, and DUHE, Circuit Judges.

PER CURIAM:*

Victor Wayne Scott contends that the district court erred by finding, without examining the record of the suppression hearing, that he had enjoyed a full and fair opportunity to litigate his Fourth Amendment contentions in the state courts.

A state prisoner who has had a full and fair opportunity in the state courts to litigate a Fourth Amendment claim may not raise that claim in a federal habeas petition. Stone v. Powell, 428 U.S. 465, 494, 96 S.Ct. 3037, 49 L.Ed.2d 1067 (1976). The

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

opinion of the Texas Court of Appeals indicates that the district court held a suppression hearing and considered Scott's contentions. Further, the Court of Appeals carefully considered Scott's contentions. Scott not only had a full and fair opportunity to litigate his Fourth Amendment contentions; he actually litigated those contentions.

AFFIRMED.