IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3126
Conference Calendar

WILLIE ROGERS,

Petitioner-Appellant,

versus

JOHN P. WHITLEY, Warden,
Louisiana State Penitentiary,
and RICHARD P. IEYOUB, Attorney General,
State of Louisiana,

Respondents-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA 92 0171 K 1
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(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Appellant Willie Rogers has appealed the district court's judgment denying his application for habeas corpus relief. We affirm the judgment.

Represented by Attorney Barry Landry, Rogers was convicted on his plea of guilty of the first-degree murder of a police officer, a capital offense. Pursuant to a plea bargain, in

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

August 1985 he received a life sentence without benefit of parole, probation, or suspension of sentence, the only alternative to the death penalty provided by the relevant statute. La. Rev. Stat. Ann. 14:30 (West 1986). During rearraignment and sentencing, however, the court did not state that the life sentence was without benefit of parole, probation, or suspension of sentence. Rogers said yes when the court asked him if he had "read and discussed that charge with [his] attorney and the consequences of a guilty plea."

The state trial court held an evidentiary hearing on Rogers's application for postconviction relief, which was denied. At the hearing, Rogers's brother Phillip testified that at a meeting in the courthouse just prior to entry of the plea, Rogers's counsel did not say that Rogers would not be eligible for parole. Phillip testified further that counsel said that "after all of this boil [sic] over, ... it's possible that he would be able to get out."

Rogers testified that at that meeting, counsel did not tell him that he would not be eligible for parole. Rogers added that on a previous occasion, counsel told him in the parish prison that if his behavior was good, he would be eligible for parole in about 10 1/2 years. Counsel testified, however, that as a result of their discussions, Rogers understood "that he would be in jail the rest of his life." Counsel also testified that he did not remember either himself or the prosecutor specifically telling Rogers that his life sentence would be "without benefit of parole."

Rogers now contends that he is entitled to habeas relief on grounds that the trial court failed to inform him "that his sentence excluded parole, probation, or suspension of sentence." He argues that this denied him equal protection of law under the Fourteenth Amendment because the Louisiana courts have vacated other convictions on this ground.

The Supreme Court has "never held that the United States Constitution requires the State to furnish a defendant with information about parole eligibility in order for the defendant's plea of guilty to be voluntary." Hill v. Lockhart, 474 U.S. at 56. The Court held that Hill was not entitled to habeas relief on grounds of ineffective assistance of counsel because he "did not allege in his habeas petition that, had counsel correctly informed him about his parole eligibility date, he would have pleaded not guilty and insisted on going to trial." Id. at 60. Similarly, appellant Rogers has not made such an allegation either in the district court or in this Court.

Rogers is not entitled to relief on equal-protection grounds because "a failure to comply with state law requirements presents a federal habeas issue only if it involves federal constitutional issues." Smith v. McCotter, 786 F.2d 697, 702 (5th Cir. 1986). Assuming that Rogers's factual allegations are true, they do not entitle him to federal habeas relief because they do not involve a federal constitutional issue. Hill v. Lockhart, 474 U.S. at 56, 60.

AFFIRMED.