

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50025
Summary Calendar

MAJOR EARL JOHNSON,

Petitioner-Appellant,

versus

WAYNE SCOTT, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent-Appellee.

Appeal from the United States District Court for
the Western District of Texas
(W 93 CA 91)

(June 9, 1994)

Before REAVLEY, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

On May 17, 1990 Major Earl Johnson was arrested and charged with murder while on parole in Texas. Although his parole was revoked on August 23, 1990 after a parole revocation hearing, Johnson complains that the Texas parole board violated his due process rights because the parole board members did not vote on

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

the revocation. After exhausting state habeas relief, Johnson petitioned for a federal writ of habeas corpus which was also denied. Johnson appeals and argues that he was entitled to a hearing with a minimum of three parole board members present.

We review issues of law *de novo* when presented with a denial of federal habeas corpus relief. Williams v. Collins, 16 F.3d 626, 630 (5th Cir. 1994). In Morrissey v. Brewer, 92 S. Ct. 2593, 2601 (1972), the Supreme Court reiterated that a parole revocation does not afford defendants the "full panoply of rights" due a defendant in a criminal prosecution. Id. at 2600. Furthermore, the law in Texas when Johnson's parole was revoked did not require that a defendant on parole be given a mandatory hearing by three parole board members. Johnson's contention to the contrary is flatly wrong and need not be explored. See TEX. CODE CRIM. PROC. ANN. art 42.18, § 14(a)(Vernon 1994) (stating that a defendant accused of violating his parole shall be entitled to be heard before a parole panel or a *designee* of the board.)

AFFIRMED.