

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10566
Summary Calendar

MICHAEL DWAYNE BENDER,

Petitioner-Appellant,

versus

WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94CV00413
- - - - -

January 24, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Michael Dwayne Bender appeals from the district court's dismissal of his petition for writ of habeas corpus, 28 U.S.C. § 2254. He argues that the indictment for aggravated robbery was fundamentally defective because it failed to assert a necessary element of the offense and that his guilty pleas were unknowing and involuntary because they were premised on the misadvice of counsel.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the arguments and the record and perceive no reversible error. We affirm the district court's dismissal of Bender's petition.

AFFIRMED.