

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-30679  
Conference Calendar

---

FREDDIE ROSS,

Petitioner-Appellant,

versus

RICHARD P. IEYOUB, Attorney General,  
State of Louisiana; C. MARTIN LENSING, Warden,  
Hunt Correctional Center,

Respondents-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CA-94-1295-C

- - - - -  
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Appellant challenges the denial of his second petition for a writ of habeas corpus. The district court denied the petition both as barred by Rule 9(b) of the Rules Governing 28 U.S.C. § 2254 Proceedings and on the merits. Appellant does not challenge the former ground, which he thereby abandons. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Because no

---

\* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

challenge to the Rule 9(b) grounds is before us, we may not reach the merits. See Foret v. Whitley, 965 F.2d 18, 20 (5th Cir. 1992). The appeal is frivolous and is dismissed as such. See 5th Cir. R. 42.2.

APPEAL DISMISSED.