

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31281
Summary Calendar

MATT DOWNEY,

Petitioner-Appellant,

versus

RICHARD L. STALDER, Secretary, Department
of Public Safety and Corrections; BURL CAIN,
Acting Warden; RICHARD P. IEYOUB, Attorney General,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 95-CV-2663-L
- - - - -

May 17, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court did not err by denying habeas corpus relief to appellant Matt Downey, based on the state trial court's resentencing him for armed robbery in conformity with the statutory requirement of no probation, parole, or suspension of sentence. Neither did the district court err by holding that whether the trial court violated state law in resentencing Downey is not relevant to determining if he is entitled to federal

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

habeas relief. We affirm substantially for the reason stated by the district court. Downey v. Stalder, No. 95-CV-2663 (E.D. La. Nov. 22, 1995).

AFFIRMED.