

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40470  
Summary Calendar

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JESSIE HAMPTON,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTE DIVISION

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:94-CV-464  
- - - - -

May 21, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:\*

Jessie Hampton, # 417856, appeals the district court's dismissal of his 28 U.S.C. § 2254 habeas petition based upon abuse of the writ. Hampton has not shown that the district court abused its discretion in determining that he had shown no cause or prejudice with regard to issues he had raised in his previous petition or in regard to issues that he could have raised. See

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Montoya v. Collins, 988 F.2d 11, 12 (5th Cir. 1993). Nor has Hampton shown that the court erred in determining that denying his petition would not result in a substantial miscarriage of justice.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.