

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40834
Summary Calendar

AARON BERNARD WOODS,

Petitioner-Appellant,

versus

GARY JOHNSON, Director, Texas
Department of Criminal Justice,
Institutional Division,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:94-CV-181
- - - - -

May 16, 1996

Before GARWOOD, WIENER, and PARKER, Circuit Judges.

PER CURIAM:*

Aaron Bernard Woods appeals from the district court's dismissal of his 28 U.S.C. § 2254 petition as an abuse of the writ. Woods argues that at the time he filed his first federal habeas petition, he was unaware of his instant claim that his conviction was invalid because the jury failed to make an affirmative finding that he used or exhibited a deadly weapon in connection with the offense of aggravated robbery. We have

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

reviewed the record and the district court's opinion and find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the reasons stated by the district court.

AFFIRMED.