

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10191

KENNETH GRANVIEL,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
(4:96-CV-111-E)
- - - - -

February 27, 1996

Before GARWOOD, DUHÊ and WIENER, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant Kenneth Granviel, a prisoner of the Texas Department of Criminal Justice, Institutional Division, who is scheduled to die by lethal injection sometime after sundown this date, has applied to us this morning for a Certificate of Probable Cause (CPC) to appeal from orders of the United States District Court for the Northern District of Texas which denied Granviel's petition for writ of habeas corpus and his motions for stay of execution and issuance of CPC. Granviel also asks us to stay his execution and allow him to proceed in forma pauperis (IFP), so that he can appeal the district court's denial of habeas relief.

In denying Granviel the relief requested in the district

court, our learned and respected colleague, The Honorable Eldon Mahon, a senior judge of that court whose experience with the myriad trips of Granviel's case up and down the judicial ladder spans well more than a decade, rendered a clear, complete, and eminently correct explication of his equally correct conclusions. We could not improve on the work product of Judge Mahon and would only waste judicial resources and a portion of the precious little time that remains to petitioner if we were to attempt to do so. As we are in full agreement with the procedural and substantive reasoning and rulings of the district court, we incorporate by reference Judge Mahon's opinion, adopt it as our own, and for the reasons therein expressed deny Granviel's motion to this court for CPC and stay of execution.