

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 96-11217

BOBBY EDWARDS,

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
(1:96-CV-106)

February 9, 1998

Before DAVIS, WIENER, and PARKER, Circuit Judges.

PER CURIAM:*

Essentially for the reasons stated by the district court, the judgment of the district court rejecting petitioner's habeas claims is affirmed. To the extent petitioner attempts to present a new claim to this court, which was not presented either to the state court or to the federal district court, we decline to entertain it.**

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

** Petitioner argues in his brief for the first time on appeal that his counsel was ineffective because he failed to advise him of his right to appeal his sentence following his open plea of guilty. this is a different claim from the claim he presented to the state court and to the district court where he asserted that his counsel

AFFIRMED.

affirmatively advised him that no appeal could be taken from a sentence following the entry of an open guilty plea.