

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20506

JAMES GLENN HUTSON,

Petitioner-Appellant,

versus

JACK W. DIEKEN, Sheriff; ATTORNEY GENERAL OF
THE STATE OF OKLAHOMA; GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL
DIVISION,

Respondents-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CV-1957

April 16, 1997

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

PER CURIAM:*

Appellant James Glenn Hutson, Texas prisoner # 633802, has
appealed the district court's denial of habeas corpus relief from
an Oklahoma state felony detainer warrant.

* 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that this opinion should not be published and is not precedent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.

Appellee Gary L. Johnson has filed a motion to dismiss the appeal, on grounds that the detainer has been withdrawn and the Oklahoma indictment dismissed, for failure to comply with the speedy-trial requirements of the Interstate Agreement on Detainers Act. The motion is granted and the appeal is hereby dismissed. See Birdwell v. Skeen, 983 F.2d 1332, 1335-36 (5th Cir. 1993).

APPEAL DISMISSED.