

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30477
Summary Calendar

TOMMY C. LACY,

Plaintiff-Appellant,

versus

BURL CAIN, Warden, Louisiana
State Penitentiary; RICHARD P.
IEYOUB, Attorney General,
State of Louisiana,

Respondents-Appellees.

Appeal from the United States District Court for the
Eastern District of Louisiana
USDC No. 95-CV-3035-C

November 19, 1997
Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Tommy C. Lacy (#123105) appeals the denial of his petition for a writ of habeas corpus. Lacy contends that his attorney rendered ineffective assistance in failing to investigate and to assert an insanity defense at trial, and that the state habeas court violated his right to due process in making a nunc pro tunc determination of his sanity during the postconviction proceedings. Lacy argues that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the district court erred in denying his petition without first holding an evidentiary hearing. We have carefully reviewed the record and the briefs, and essentially for reasons adopted by the district court, see Lacy v. Cain, No. 95-3035 (E.D. La. Apr. 2, 1996) (unpublished), we AFFIRM the district court's judgment.

A F F I R M E D.