

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No. 96-30937  
Summary Calendar

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KERMIT ISOM,

Plaintiff-Appellant,

versus

RICHARD P. IEYOUB, Attorney General;  
EDGAR C. DAY, Warden,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Eastern District of Louisiana  
(96-CV-1067)

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April 29, 1997

Before POLITZ, Chief Judge, HIGGINBOTHAM and DeMOSS, Circuit Judges.

PER CURIAM:\*

Kermit Isom appeals the trial court's rejection of his petition for habeas relief. The district court granted a certificate of appealability on the sole issue presented in this case, i.e., whether Article 916 of the Louisiana Code of Criminal Procedure violates the ex post facto clause of the Constitution. We conclude that

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

it does not and on the facts as found, authorities cited, and analysis made in the Report and Recommendation by the magistrate judge, signed and filed on July 30, 1996, which was approved and adopted as its own opinion by the district court through its Order and Judgment signed August 20, 1996 and filed August 21, 1996, we AFFIRM.