

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40047
Summary Calendar

MICHAEL FREEMAN,

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 Southern District of Texas
USDC No. C-94-CV-238
- - - - -

July 3, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Michael Freeman (#544479) appeals the dismissal of his petition for federal habeas corpus relief, 28 U.S.C. § 2254. In his federal habeas petition Freeman alleged: 1) insufficiency of the evidence to support his conviction for capital murder; 2) that the trial court denied him due process by refusing to allow

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the jury to hear testimony concerning the accomplice-witness' credibility and mental state; 3) that the trial court erred by refusing Freeman's requested instruction on the definition of "in the course of"; and 4) that the trial court erred in denying his motion for a new trial. Freeman has raised only the sufficiency-of-the-evidence claim on appeal. He has, thus, abandoned the other issues. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

We have reviewed the briefs and the record and find no error. We affirm the dismissal essentially for the reasons stated by the district court in Freeman v. Scott, No. C-94-238 (S.D. Tex. Nov. 29, 1995).

AFFIRMED.