

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40291
Summary Calendar

OSCAR HOUSTON,

Petitioner-Appellant,

versus

MICHAEL WILSON, Senior Warden at the
Michael Unit, ET AL.,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-925
- - - - -
July 12, 1996

Before HIGGINBOTHAM, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Oscar Houston, Texas inmate #577318, appeals the dismissal of his habeas petition for failure to exhaust state habeas remedies. Houston argues that the district court erred by dismissing the petition for failure to exhaust and by failing to sever his habeas claims from his 42 U.S.C. § 1983 claims. Houston contends that several of the named respondents have

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

retaliated against him for pursuing this case. We have carefully reviewed the record and the appellate arguments. We conclude that the district court did not abuse its discretion by dismissing on exhaustion grounds. Houston's § 1983 retaliation claim is not properly before this court because it was raised in a postjudgment motion and Houston did not amend his notice of appeal after the district court disposed of the postjudgment motions. See Fed. R. App. P. 4(a)(4); Reeves v. Collins, 27 F.3d 174, 177 (5th Cir. 1994).

All pending motions are DENIED.

AFFIRMED.