

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40334
Conference Calendar

CLIFFORD COLE, JR.,

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 Eastern District of Texas
USDC No. 2:91-CV-128
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Clifford Cole, Jr., Texas state prisoner #457974, appeals from the district court's dismissal of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Cole argues that the district court erred by holding that he had failed to show cause for his procedural default because the state court of appeals had misinterpreted state law and because his trial counsel had failed to make a contemporaneous objection. We have reviewed the record

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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and find no reversible error. Accordingly, the judgment of the district court is AFFIRMED.