

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-41141  
Summary Calendar

---

TROY GENE HLAVINKA,

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. 5:96-CV-163  
- - - - -

September 2, 1997

Before JOLLY, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

Troy Gene Hlavinka, Texas state prisoner #608910, appeals from the district court's dismissal of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This court previously granted Hlavinka a certificate of appealability on the issue whether a TDCJ rule, enacted subsequent to the date of Hlavinka's offense, directing that forfeited good-time credits would no longer be restored, deprived Hlavinka of his rights

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

under the Ex Post Facto Clause. We have reviewed the record and find no reversible error. See Hallmark v. Johnson, \_\_\_ F.3d \_\_\_ (5th Cir. July 25, 1997, No. 95-20752), 1997 WL 420147.

Accordingly, the judgment of the district court is AFFIRMED.