

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30248  
Summary Calendar

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GRANDVILLE TENNART,

Plaintiff-Appellant,

versus

JAMES M. LEBLANC, Warden, Dixon  
Correctional Institute,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 96-CV-1424

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July 14, 1997  
Before SMITH, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Grandville Tennart, Louisiana prisoner # 88482, has filed a timely notice of appeal from the district court's dismissal of his habeas corpus petition for lack of exhaustion of state remedies. After the district court granted Tennart's motion for a CPC, this court decided Murphy v. Johnson, 110 F.3d 10, 11 (5th

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\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Cir. 1997), and Muniz v. Johnson, \_\_\_F.3d\_\_\_ (5th Cir., May 20, 1997, No. 96-50508) 1997 WL 265120.

To determine whether a COA should be granted on the issue of exhaustion of state remedies, the court must engage in a two-step process. Murphy, 110 F.3d at 11. First, the court must decide whether a credible showing of exhaustion has been made. Id. If a credible showing of exhaustion has been made, the court should determine whether the underlying claim is debatable among reasonable jurists. Id. Because the district court did not specify that Tennart made a credible showing of exhaustion or specify which, if any, of Tennart's substantive habeas claims are debatable among reasonable jurists, the district court's grant of CPC is VACATED and the case is REMANDED to the district court for the limited purpose of determining whether a COA should issue in light of the standard set forth in Murphy. See Murphy, 110 F.3d at 11; Muniz v. Johnson, 1997 WL 265120 at \*1-\*2; 28 U.S.C. § 2253(c)(3).

VACATED AND REMANDED.