

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40177
Summary Calendar

LEO EDWARD BOOTH,

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-96-CV-140
- - - - -

October 3, 1997

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Leo Edward Booth, Texas state prisoner #315786, filed a 28 U.S.C. § 2254 application for a writ of habeas corpus. The district court granted summary judgment in favor of the respondent and dismissed the application. Booth filed a notice of appeal. The district court, considering the notice of appeal as a request for a certificate of appealability, found probable

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

cause for an appeal on Booth's claim of waiver of jurisdiction under the due process clause of the Fourteenth Amendment.

Booth argues that the prerevocation warrant was improperly issued, that he was entitled to a timely revocation hearing, and that the State of Texas waived jurisdiction. Because Booth filed his habeas application before the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), review is governed by pre-AEDPA jurisprudence. See Lindh v. Murphy, ___ U.S. ___ (U.S. June 23, 1997, No. 96-6298), 1997 WL 338568 at ** 4-8; Green v. Johnson, ___ F.3d ___ (5th Cir. June 27, 1997, No. 96-50669), 1997 WL 359070 at **2-3. We have reviewed all issues raised by Booth, not just the one certified by the district court, and hold that Booth has failed to show a federal constitutional violation. § 2254(a); Carter v. Lynaugh, 826 F.2d 408, 409 (5th Cir. 1987).

AFFIRMED.