

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50854
Summary Calendar

DEREK MITCHELL BAILEY,

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 Western District of Texas
USDC No. SA-96-CV-742

November 12, 1999

Before KING, Chief Judge, and JONES and DeMOSS, Circuit Judges.

PER CURIAM:*

Derek Mitchell Bailey, Texas prisoner #689542, appeals the denial of 28 U.S.C. 2254 relief. With respect to the sole issue on which a certificate of appealability was granted, Bailey contends that his trial counsel was ineffective for failing to move for a change of venue.

The Constitution does not require that jurors be totally ignorant of the facts and issues to be tried. Irvin v. Dowd, 366 U.S. 717, 722 (1961). Furthermore, Bailey's conclusional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

allegations of bias fail to demonstrate that the trial atmosphere was "utterly corrupted by press coverage." Dobbert v. Florida, 432 U.S. 282, 302 (1977). Accordingly, trial counsel was not ineffective in failing to move for a change of venue. See Strickland v. Washington, 466 U.S. 668, 687 (1984).

AFFIRMED.