

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-31162
(Summary Calendar)

ROBERT N. HOWLE,

Petitioner-Appellant,

versus

KELLY WARD; WARDEN, WADE
CORRECTIONAL CENTER,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
(99-CV-125-C)

July 18, 2000

Before POLITZ, WIENER, and PARKER, Circuit Judges.

PER CURIAM:*

Petitioner-Appellant Robert N. Howle, a Louisiana state prisoner, appeals from the denial of his habeas corpus petition filed pursuant to 28 U.S.C. § 2254. Howle was granted a certificate of appealability by the district court on the issue whether his Sixth Amendment right to cross-examine a state witness was violated by the trial court's rulings. He has not shown that he is entitled to relief on that ground. The testimony about the witness's history of alcohol abuse was not necessary to argue that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the witness was unable to perceive events accurately on the night of the shooting. See Davis v. Alaska, 415 U.S. 308, 318 (1974)(counsel should be allowed to present evidence from which jurors could "appropriately draw inferences relating to the reliability of the witness."). Howle has not shown that the witness's prior unadjudicated offense of insurance fraud was an appropriate line of cross-examination. Id. Finally, Howle has not shown that his attorney was precluded from questioning the witness about his use of Xanax on the night of the shooting and its effects on his perceptions. See Shaw v. Collins, 5 F.3d 128, 132 (5th Cir. 1993)(a habeas petitioner must show that a limitation of cross-examination affected or influenced the verdict). Consequently, the district court's denial of his habeas petition is AFFIRMED.