UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 95-30989
Summary Calendar

LEONARD NICHOLAS,

Petitioner-Appellant,

versus

BURL CAIN, Acting Warden, Louisiana
State Penitentiary; RICHARD P. IEYOUB,
Attorney General, State of Louisiana,

Respondents-Appellees.

Appeal from the United States District Court
For the Eastern District of Louisiana
(CA-94-3955-M)

June 13, 1996

Before POLITZ, Chief Judge, HIGGINBOTHAM and BENAVIDES, Circuit Judges.

PER CURIAM:[*]

Leonard Nicholas, a Louisiana state prisoner convicted of a second-degree murder committed in the course of an armed robbery, appeals the denial of his 28 U.S.C. § 2254 petition for habeas corpus. Nicholas contends that his trial was constitutionally infirm because: (1) the state withheld **Brady** information; (2) state witnesses were allowed to commit perjury; (3) the prosecutor engaged in improper argument; (4) he was denied the

---

right to confront witnesses; and (5) he received ineffective assistance of counsel.

The matter was referred to a magistrate judge who reviewed the record and made his report and recommendation that the writ of habeas corpus be denied. Following a *de novo* review the district court accepted and approved the magistrate judge's report and adopted it as its own in rejecting the plaintiff's petition. A certificate of probable cause was granted and Nicholas timely appealed.

Having completed our *de novo* review of the record in this case, and finding no constitutional infirmity warranting a rejection of Nicholas' indictment, trial, conviction, and sentence, we hold that essentially on the basis of the facts as found, authorities cited, and reasons assigned in the thorough, comprehensive and well-crafted Report and Recommendation issued by the magistrate judge and adopted by the district court, the judgment appealed is AFFIRMED.