
No. 95-2680

Cecil Johnson, Jr.,
Appellant,
v.
Joe Class, Warden,
Appellee.

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* Appeal from the United States
* District Court for the
* District of South Dakota.
* [UNPUBLISHED]
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Submitted: February 6, 1996

Filed: March 12, 1996

Before McMILLIAN, WOLLMAN, and MURPHY, Circuit Judges.

PER CURIAM.

South Dakota inmate Cecil Johnson, Jr., appeals from the final order entered in the district court¹ dismissing his 28 U.S.C. § 2254 petition without prejudice. On appeal, Johnson, through counsel, argues the district court erred in determining that he was not denied effective assistance of counsel at a state court hearing revoking his probation. After carefully reviewing the record, we conclude that Johnson's section 2254 petition was properly dismissed.

We deny Johnson's pro se motion. See United States v. Blum, 65 F.3d 1436, 1443 n.2 (8th Cir. 1995) (general policy is to refuse

¹The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.

pro se filings when party is represented by counsel), cert. denied, 1995 WL 761577 (U.S. Jan. 22, 1996) (No. 95-7152).

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.