

---

No. 95-2883

---

David Dewayne Vaughan,

Appellant,

v.

David R. Dormire,

Appellee.

\*  
\*  
\*  
\* Appeal from the United States  
\* District Court for the  
\* Western District of Missouri.  
\* [UNPUBLISHED]  
\*  
\*

---

Submitted: February 16, 1996

Filed: May 10, 1996

---

Before WOLLMAN, HEANEY, and MAGILL, Circuit Judges.

---

PER CURIAM.

David Dewayne Vaughan appeals from the district court's<sup>1</sup> order dismissing his petition for a writ of habeas corpus.

On May 6, 1988, Vaughan pleaded guilty to a charge of first degree murder in the circuit court of Jasper County, Missouri, and was sentenced to life imprisonment without parole.

Vaughan's motion for post-conviction relief under Missouri Supreme Court Rule 24.035 was denied as untimely filed. Vaughan v. State, 792 S.W.2d 427 (Mo. App. 1990). On August 31, 1990, Vaughan filed a petition for writ of habeas corpus in the district court. Following extended proceedings, the district court entered an order and judgment on May 4, 1995, dismissing the petition. On June 12, 1995, the district court entered an order denying Vaughan's motion to set aside the judgment of dismissal.

---

<sup>1</sup>The Honorable Elmo B. Hunter, United States District Judge for the Western District of Missouri.

Having reviewed the record, we conclude that the district court did not err in dismissing the petition on the ground that Vaughan had procedurally defaulted on the claims he alleged in his petition.

Because an extended opinion would be of no precedential value, we affirm on the basis of the district court's orders. See 8th Cir. R. 47B.

We express our appreciation to appointed counsel for his diligent efforts on Vaughan's behalf.

A true copy.

Attest:

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