

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-3804MN

DuWayne Melvin Gorden,

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Appellant,

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Appeal from the United States
District Court for the District of
Minnesota.

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v.

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Dennis Benson, Warden,

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[UNPUBLISHED]

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Appellee.

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Submitted: May 23, 1997

Filed: May 30, 1997

Before McMILLIAN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

DuWayne Melvin Gorden appeals the district court's denial of Gorden's 28 U.S.C. § 2254 petition for a writ of habeas corpus. Gorden contends his due process rights were violated when the state trial judge questioned a child witness in front of the jury about the child's ability to understand and tell the truth and when Gorden was classified as a patterned sex offender. The magistrate judge carefully considered these issues, and we agree with the magistrate judge's analysis. Having reviewed the record and the arguments of the parties, we reject Gorden's contentions for the reasons stated in the magistrate judge's report and recommendation. Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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