

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 96-2510EM

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Stephen Martin,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Missouri.
	*	
Michael Groose,	*	[UNPUBLISHED]
	*	
Appellee.	*	

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Submitted: November 18, 1998  
Filed: November 27, 1998

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Before RICHARD S. ARNOLD, FAGG, and HALL,\* Circuit Judges.

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PER CURIAM.

Stephen Martin asserts three claims in an effort to reverse the district court's denial of Martin's 28 U.S.C. § 2254 petition for writ of habeas corpus. Based on Martin's failure to file a state court proceeding for postconviction relief, we conclude that two of Martin's claims are procedurally barred. The district court correctly rejected Martin's remaining claim because the trial court's refusal to declare a mistrial did not violate Martin's due process rights. An extended discussion of Martin's arguments would serve no useful purpose because the controlling law is clear and an

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\*The Honorable Cynthia Holcomb Hall, United States Circuit Judge for the Ninth Circuit, sitting by designation.

opinion would lack precedential value. We thus affirm the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

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