

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-4054

Steven J. Strauss,

Appellant,

v.

Lynda Taylor, Superintendent,
WMCC,

Appellee.

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* [UNPUBLISHED]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

Submitted: December 24, 1998

Filed: April 19, 1999

Before LOKEN, HEANEY, and HANSEN, Circuit Judges.

PER CURIAM.

Missouri inmate Steven J. Strauss appeals from the district court's¹ order denying his petition for a writ of habeas corpus under 28 U.S.C. § 2254. We find that his challenge to Missouri's reasonable-doubt instruction is barred by Teague v. Lane, 489 U.S. 288 (1989). See Ramsey v. Bowersox, 149 F.3d 749, 757-58 (8th Cir. 1998); Murray v. Delo, 34 F.3d 1367, 1382 (8th Cir. 1994), cert. denied, 515 U.S. 1136 (1995). We therefore affirm the district court. See 8th Cir. R. 47B.

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

HEANEY, Circuit Judge, concurring.

I concur in the result reached by the majority. I would affirm, however, on the grounds that the challenged instruction comports with the due process requirement reached in Sandoval v. California, 511 U.S. 1 (1994).

A true copy.

Attest:

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