

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

No. 99-2278

Carl Stanley Turner,

Appellant,

v.

Larry Norris, Director, Arkansas
Department of Corrections,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: November 5, 1999

Filed: November 9, 1999

Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Carl Stanley Turner appeals the district court's¹ order denying his 28 U.S.C. § 2254 petition. The district court issued a certificate of appealability on Turner's claim that the judge in Turner's state jury trial should have granted his motion to recuse.

¹The Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

We review the district court's findings of fact for clear error and its conclusions of law de novo, see Bounds v. Delo, 151 F.3d 1116, 1118 (8th Cir. 1998), and apply a presumption of correctness to the state court's findings of fact, see 28 U.S.C. § 2254(e)(1). We may grant relief only if the state court's adjudication of the petitioner's claims resulted in a decision that was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court." 28 U.S.C. § 2254(d)(1). Having carefully reviewed the record and the briefs, we conclude that the state court's decision was in accordance with clearly established federal law.

Accordingly, we affirm the district court's dismissal of Turner's's petition. See 8th Cir. R. 47B.

We also deny Turner's motion for a stay and for a transcript at government expense.

A true copy.

Attest:

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