

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30805
Conference Calendar

RICKEY BARNES,

Plaintiff-Appellant,

versus

CARLTON NETTLES, Sergeant,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 97-CV-992-C

August 21, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Rickey Barnes, a Louisiana prisoner (# 119466), appeals the magistrate judge's judgment dismissing all remaining claims made in his 42 U.S.C. § 1983 complaint, following a jury trial. Referring to the testimony of various trial witnesses, Barnes argues that the jury's determination that defendant Carlton Nettles did not use excessive force against him was not supported by the trial evidence.

The magistrate judge and this court have denied Barnes' motion for production of a transcript of the trial at government

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

expense. Because Barnes' failure to provide this court with a transcript of the trial prevents this court from reviewing the merits of his appellate arguments, the appeal is DISMISSED. See FED. R. APP. P. 10(b)(2); Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Richardson v. Henry, 902 F.2d 414, 416 (5th Cir. 1990); 5TH CIR. R. 42.3.2.

APPEAL DISMISSED.