

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40317
Summary Calendar

RAYMOND SUNIGA,

Plaintiff-Appellant,

versus

JAMES A. SHAW, JR.
Warden; UNKNOWN LUMPKINS,

Defendants,

UNKNOWN BALDWIN,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-712
- - - - -

May 17, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Raymond Suniga argues that the magistrate judge clearly erred in dismissing his excessive-force claim following a bench trial. Suniga also argues that the magistrate judge erred in failing to appoint him trial counsel.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record, the opinion of the magistrate judge court, and the briefs, and find that the dismissal of the complaint should be affirmed substantially for the reasons stated by the magistrate judge. See Suniga v. Shaw, No. 95-40317 (E.D. Tex. Mar. 28, 1995). We further find that the magistrate judge did not abuse his discretion in denying Suniga's request for trial counsel because Suniga failed to demonstrate that he made such a request prior to trial.