

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50352
Conference Calendar

KENNETH LEE JOHNSON,

Plaintiff-Appellant,

versus

JAMES W. RINGO; LAWRENCE GENE
BARTHORF; JIMMIE A. MORGAN;
KENNETH B. GREEN, Assistant
Warden; DAVID MOYA,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-153
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Kenneth Lee Johnson, Texas prisoner # 515059, appeals from the district court's dismissal of his civil rights suit for failure to serve the defendants. Johnson argues that the district court should not have dismissed his complaint for failure to serve process, that the court should have appointed a "special process server" for him, and that the court should have

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

granted him a default judgment because the defendants failed to allow him to serve them. The record reveals that Johnson has not shown good cause for failing to serve the defendants within the time allowed. FED. R. CIV. P. 4(c), (m); *Lambert v. United States*, 44 F.3d 296, 299 (5th Cir. 1995). The district court did not abuse its discretion. *Systems Signs Supplies v. United States Dep't of Justice*, 903 F.2d 1011, 1013 (5th Cir. 1990). Contrary to his appellate contentions, Johnson did not move the court to appoint a server within the time for service. Finally, his contention that he should have been granted a default judgment (without having effected service) is meritless.

AFFIRMED.