

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41233  
Summary Calendar

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ARMANDO CABELLERO,

Plaintiff-Appellant,

versus

JOHN SHARP, Building Major, Eastham  
Unit of the Texas Department of  
Criminal Justice; CHARLES FRIZELL,  
Corrections Counselor, Eastham  
Unit of the Texas Department of  
Criminal Justice; DEBORAH KINNEY,  
Correctional Counselor, Eastham  
Unit of the Texas Department of  
Criminal Justice,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:94-CV-252  
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December 16, 1999

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Armando Caballero, Texas prisoner no. 602232, appeals the jury verdict rendered in favor of the defendants in this 42 U.S.C. § 1983 prisoner civil rights case. Caballero argues that the magistrate judge deprived him the right to a fair trial by failing to secure the appearance of Arthur Brown at his trial.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The record on appeal does not support Caballero's contention that he attempted to secure Brown's testimony; thus, we find no error. See United States v. Coveney, 995 F.2d 578, 587 (5th Cir. 1993); United States v. Hinojosa, 958 F.2d 624, 632 (5th Cir. 1992).

AFFIRMED.