

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60560
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLIFF STOKES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:95-CR-72-3-B
- - - - -

October 18, 2000

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Cliff Stokes appeals from the district court's denial of his motions for production of a transcript at government expense, for copies of all records regarding his case at government expense, and for leave to proceed in forma pauperis ("IFP"). Even if it is assumed that Stokes was indigent, he was not entitled to production of a transcript and copies of all court records regarding his case at government expense in order to search for possible defects. See Walker v. United States, 424 F.2d 278, 278-79 (5th Cir. 1970). Furthermore, because there was no action

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

or appeal pending, the district court could not have granted his motion to proceed IFP. See 28 U.S.C. § 1915(a).

Accordingly, the instant appeal is DISMISSED AS FRIVOLOUS and Stokes's request for appointment of counsel is DENIED. See 5TH CIR. R. 42.2.