

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30781
Conference Calendar

ERNEST GLENN JOHNSON,

Plaintiff-Appellant,

versus

RICHARD L. FEWELL; HARRIS, MR.; JAMES TURNER; JAMES CARTER;
MELISSA BRANDON; STEELMAN, MRS.; ROGER ROBERT,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CV-2182

April 10, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Ernest Glenn Johnson (Louisiana prisoner # 10119) appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint after an evidentiary hearing by the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). Johnson does not challenge the legal basis for the dismissal of his complaint, but rather he merely recounts the factual basis for his complaint and disputes the testimony given by the defendants' witnesses.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 dismissal of Johnson's complaint amounted to a dismissal of the action following a bench trial. See McAfee v. Martin, 63 F.3d 436, 437 (5th Cir. 1995). This court ordinarily reviews the factual findings made during a bench trial for clear error. See Odom v. Frank, 3 F.3d 839, 843 (5th Cir. 1993). However, because Johnson failed to provide this court with a transcript of the evidentiary hearing, this court will not consider his claims, and the appeal is DISMISSED.** See 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.

**Even if this court were to consider Johnson's claims, Johnson provides nothing more than his own self-serving assertion that the testimony adduced at the hearing was false. He thus has not demonstrated clear error in the district court's factual findings. See Odom, F.3d at 843.