

June 4, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 02-30922
Summary Calendar

CRAIG A SINGLETON

Plaintiff - Appellant

v.

TYRONE VAIL, DR GAUTREAUX, UNIDENTIFIED PARTY,
CLAUDEAN S ALEXANDER

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 00-CV-575-F

Before KING, Chief Judge, and DeMOSS and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Craig A. Singleton, former Orleans Parish Prison (OPP)
prisoner # 857400, appeals from a judgment in favor of the
defendants on his condition-of-confinement and inadequate-
medical-care claims, following an evidentiary hearing before the
magistrate judge consistent with Flowers v. Phelps, 956 F.2d 488

* 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that this opinion should not be published and is not precedent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.

(5th Cir.), modified on other grounds, 964 F.2d 400 (5th Cir. 1992).

Singleton challenges the factual findings of the magistrate judge, which were adopted by the district court. Singleton's challenges to the legal conclusions of the magistrate judge are intertwined with his challenges to those factual findings. Appellate review of these issues would require an examination of a transcript of the Flowers hearing, a transcript which does not exist.

Singleton also contends that the magistrate judge "declined to decide" whether he could call expert witnesses or other witnesses to testify on his behalf at the Flowers hearing. Appellate review of this issue is dependent upon an examination of a transcript of the Flowers hearing.

Singleton has failed to provide a hearing transcript, as directed by FED. R. APP. P. 10(b)(2). Previously, this court denied Singleton's motion requesting a transcript at the Government's expense because he failed to meet the requirements of 28 U.S.C. § 753(f). Because Singleton failed to provide this court with a transcript, this court will not consider Singleton's arguments, which depend upon a review of the transcript. The appeal therefore is DISMISSED. See Richardson v. Henry, 902 F.2d 414, 416 (5th Cir. 1990).

APPEAL DISMISSED.