

FILED

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-31104
Conference Calendar

WASTE DISPOSAL LITIG., Etc.; ET AL.,

Plaintiffs,

United States of America, ex rel.,
JOHN Q. SMITH,

Plaintiff-Appellant,

versus

DOW CHEMICAL COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 02-CV-563-C

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

John Q. Smith** (Smith) filed a complaint on behalf of the United States against Dow Chemical Co. (Dow), alleging that Dow required him and other employees to dump hazardous chemical residue from railroad tank cars in an unauthorized manner in

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 appellant is using the name "John Q. Smith" as an alias to maintain his anonymity.

violation of state and federal law. The district court granted Dow's motion to dismiss for failure to state a claim upon which relief can be granted under FED. R. CIV. P. 12(b)(6).

Smith argues on appeal that the district court erred in granting Dow's motion to dismiss. However, Smith has not provided a transcript of the record containing the reasons for the district court's judgment. Therefore, this court will not consider this issue. See Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); United States v. Dunham Concrete Prods., Inc., 475 F.2d 1241, 1251 (5th Cir. 1973). Accordingly, Smith's appeal is DISMISSED.