

March 24, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50839
Summary Calendar

MICHAEL CORLEON DESOUZANETO,

Plaintiff-Appellant,

versus

MONTE CARROLL; EDUARDO ARROYOS; ANGEL SANTIAGO,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-03-CV-54

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Former Texas prisoner, Michael Desouzaneto, has appealed the district court's denial of his motion for appointment of counsel in a civil rights case; however, we note that Desouzaneto has not appealed the district court's subsequent entry of summary judgment in favor of the defendants. We have jurisdiction under Article III of the Constitution only when there is an actual case or controversy at the time we decide an appeal. United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Parole Comm'n v. Geraghty, 445 U.S. 388, 396 (1980); Ruiz v. Johnson, 178 F.3d 385, 389 (5th Cir. 1999). In this case, we lack appellate jurisdiction because no effective relief is available to Desouzaneto.** Vieux Carre Property Owners v. Brown, 948 F.2d 1436, 1446 (5th Cir. 1991).

APPEAL DISMISSED.

** We note that the coherency of Desouzaneto's appellate briefing and his pleadings in the district court reassure us that his ability to present his civil rights claims was not foreclosed by the district court's denial of counsel. Robbins v. Maggio, 750 F.2d 405, 412-13 (5th Cir. 1985).