

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-1089  
Conference Calendar

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STEVE ROSAS, SR.,

Plaintiff-Appellant,

versus

UNITED STATES POSTAL SERVICE and  
POSTMASTER GENERAL, U.S. POSTAL SERVICE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:92-CV-200

- - - - -  
August 18, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

The dismissal of the suit for failure to serve process was within the discretion of the district court. Systems Signs Supplies v. United States Dept. of Justice, 903 F.2d 1011, 1013 (5th Cir. 1990); see N.D. Tex. R. 3.1(g); Fed. R. Civ. P. 4(j). Rosas has not demonstrated that he was entitled to appointment of counsel in the district court. See Gonzalez v. Carlin, 907 F.2d 573, 579-80 (5th Cir. 1990).

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

The judgment is MODIFIED to reflect that the dismissal is WITHOUT PREJUDICE. See N.D. Tex. R. 3.1(g); Fed. R. Civ. P. 4(j). Rosas' motions for a default judgment, supplementation of the record, appointment of appellate counsel, punitive damages, and removal of the district court judge and law clerks are DENIED.

AFFIRMED AS MODIFIED.