

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2808
Conference Calendar

GUADALUPE GUAJARDO, JR.,
ET AL.,

Plaintiffs,

BARRY WION,

Plaintiff-Appellant,

versus

WARDEN McADAMS, Wynne Unit, and
ASSISTANT WARDEN SHANNON, Wynne Unit,
Texas Department of Corrections, Et Al.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-71-570

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(November 15, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:*

This Court has "no jurisdiction to consider an appeal by a class member who has not attempted to intervene as a named party" in a class action. Loran v. Furr's/Bishop's Inc., 988 F.2d 554, 556 (5th Cir. 1993); see Walker v. City of Mesquite, 858 F.2d 1071, 1075 (5th Cir. 1988). Appellant Barry Wion does not allege

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

that he ever sought to intervene. See, e.g., Green v. McKaskle, 770 F.2d 445, 446-47 (5th Cir. 1985), aff'd in relevant part on panel rehearing, 788 F.2d 1116 (5th Cir. 1986); Lelsz v. Kavanagh, 710 F.2d 1040, 1043 (5th Cir. 1983). Because this Court lacks jurisdiction to consider Wion's appeal of the denial of a contempt motion, Wion's motion to proceed on appeal in forma pauperis is **DENIED** and the appeal is **DISMISSED**. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 5th Cir. R. 42.2.