

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-4853
Summary Calendar

JOEY LONG,

Plaintiff-Appellant,

VERSUS

JAMES A. COLLINS, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:91-CV-693)

(April 29, 1994)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

PER CURIAM:¹

Joey Long, an inmate in the custody of Texas Department of Criminal Justice, appeals the dismissal of his § 1983 action against a number of prison guards following a bench trial.

The district court, in its findings of fact and conclusions of law, found on Long's retaliation claim that: (1) the officers had no retaliatory motive for the acts which Long complained of; and

¹ 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

(2) Long failed to establish that any of the officials harassed or retaliated against him. On Long's failure to protect claim, the court accepted the officers' version of the incident and rejected Long's version on credibility grounds.

Long lists a number of issues on appeal but only argues two general propositions.² He argues first that the district court erred in relying on defendants' statements in support of its findings. We find this argument frivolous. The district court was entitled to make credibility determinations after trial. If the court found defendants to be more credible than plaintiff and his witnesses, it was obliged to find in favor of defendants. Long's other arguments relate to his contention that he stated facts sufficient to allege a cause of action. These arguments are irrelevant to the resolution of this appeal following trial, and therefore are also frivolous.

Finally, Long moves this court to furnish him a trial transcript, along with exhibits, at government expense. Because he has failed to raise a substantial question on appeal and has failed to demonstrate how the production of a transcript would assist him in this appeal, we deny this motion.

Because we find this appeal frivolous, we dismiss it. **See** Local Rule 42.2.

Appeal DISMISSED; motion DENIED.

² Because an argument must be briefed on appeal, we do not consider Long's arguments that are simply listed without further discussion. **See Price v. Digital Equip. Corp.**, 846 F.2d 1026, 1028 (5th Cir. 1988).