

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5604
Conference Calendar

IKE A SELDON,

Plaintiff-Appellant,

versus

WARDEN J. ALFORD ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:90-CV-427
- - - - -

(July 19, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Ike A. Seldon argues that the jury's verdict for the defendants following trial of his excessive-force claims was in error. Although this Court does not directly review jury verdicts, Seldon's challenge to the verdict may be construed as a challenge to the district court's denial of his motion for a judgment as a matter of law. See Crist v. Dickson Welding Co., 957 F.2d 1281, 1284 n.1 (5th Cir.), cert. denied, 113 S.Ct. 187 (1992).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

This Court cannot determine whether the district court properly denied the motion because the record on appeal does not include a transcript of the trial. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir.), cert. denied, 113 S.Ct. 668 (1992). A pro se appellant who wishes to challenge findings or conclusions that are based on testimony at a hearing must provide a transcript to this Court. Id.; FED. R. APP. P. 10(b)(2). Seldon's failure to provide a transcript is a proper ground for dismissal of the appeal as to his claims concerning the denial of his motion for a judgment as a matter of law. Richardson v. Henry, 902 F.2d 414, 416 (5th Cir. 1990), cert. denied, 498 U.S. 1069 (1991).

Seldon lacks standing to complain of the district court's failure to hold one of the defendants in contempt of court for failing to appear at trial. See, e.g., Murray v. City of Austin, Tex., 947 F.2d 147, 151 (5th Cir. 1991), cert. denied, 112 S.Ct. 3028 (1992). Insofar as Seldon appeals the district court's failure to issue a contempt order, his appeal is frivolous. Seldon's appeal is DISMISSED. See 5th Cir. R. 42.2.