

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5618

BENNIE GRISMORE,

Petitioner-Appellant,

VERSUS

WAYNE SCOTT, Director,
Texas Department of Criminal Justice,
Institutional Division,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
(6:93-CV-496)

(February 9, 1995)

Before HIGGINBOTHAM, SMITH, and BARKSDALE, Circuit Judges.

JERRY E. SMITH, Circuit Judge:*

Bennie Grismore challenges the magistrate judge's denial of his motion for appointment of counsel in this habeas corpus action. In a supplemental brief on appeal, Grismore has stated that his appeal is premature and has asked that it be dismissed without prejudice.

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

Accordingly, the appeal is DISMISSED without prejudice.