

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-10843  
Summary Calendar

---

RAY EUGENE FIELDS,

Plaintiff-Appellant,

versus

JAMES DUVALL ET AL.,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:92-CV-124  
- - - - -

(February 3, 1995)

Before DUHÉ, WIENER and STEWART, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that Ray Eugene Fields's motion for leave to proceed in forma pauperis is DENIED, because his appeal lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). In ruling on the motion, this Court has examined it and Fields's brief in the light most favorable to him and has reviewed the record for any basis to support granting him relief on appeal. Because we have concluded on this review that the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED. See 5th Cir. R. 42.2.

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

There is no arguable merit to Fields's contentions that the district court should have granted his motion for judgment as a matter of law or his motion for a new trial and that there was reversible error in the district court's instructions to the jury.

IT IS FURTHER ORDERED that Fields's request for the preparation of transcripts at government expense is DENIED.

IT IS FURTHER ORDERED that Fields's application for the appointment of counsel is DENIED.