

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20196
Summary Calendar

RICHARD ALLEN BURNS,

Plaintiff-Appellant,

versus

JUDGE McSPADDEN, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA H92-3493)

(October 3, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Texas prisoner Richard Allen Burns filed a 42 U.S.C. § 1983 suit against state Judge McSpadden, bailiff Brian Nigro, attorney Bill Good, and an unidentified Harris County, Texas, district attorney¹ alleging that Bailiff Nigro chained Burns to a

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

¹ The nature of Burns' claim against the district attorney is unclear and it is not addressed in his appellate brief. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

bench outside a state courtroom, and threatened him until he agreed to allow Judge McSpadden to appoint Kenneth Good (Bill Good's brother) as his defense counsel. The court ordered Burns to provide a more definite statement of his complaint. In response, Burns elaborated his factual allegations and further alleged that Kenneth Good's ineffective representation had forced Burns to accept a plea agreement requiring a 35-year term of imprisonment.

The district court determined that the complaint was legally frivolous as to all the defendants.

We have carefully reviewed the record and, having done so, find no reversible error of fact or law. Consequently, the judgment of the trial court is AFFIRMED. See Fifth Circuit Local Rule 47.6.