

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20232
Conference Calendar

SANDRA G. WATERS, ET AL.,

Plaintiffs,

SANDRA G. WATERS,

Plaintiff-Appellant

versus

STATE OF TEXAS, ET AL.,

Defendants,

DENNIS MAGURN,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-90-691
- - - - -
(March 23, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

An appellant, even one pro se, who wishes to challenge findings or conclusions that are based on proceeding at a hearing has the responsibility to order a transcript. Fed. R. App. P. 10(b); Powell v. Estelle, 959 F.2d 22, 26 (5th Cir.), cert. denied, 113 S. Ct. 668 (1992). This Court does not consider the

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

merits of an issue when the appellant fails in that responsibility. Id.

Sandra G. Waters' issues entail a review of the evidence presented to the jury in the trial on her 42 U.S.C. § 1983 suit. Without a trial transcript such review is impossible. Because Waters has not met her obligation of including in the record those portions of the transcript relevant to the rulings and findings in question, this Court declines to consider her challenges to the propriety of the district court's entry of final judgment against her. See Alizadeh v. Safeway Stores, Inc., 910 F.2d 234, 237 (5th Cir. 1990). Waters' appeal is DISMISSED for her failure to provide a complete transcript of the record on appeal. See Boze v. Branstetter, 912 F.2d 801, 803 n.1 (5th Cir. 1990); see also Richardson v. Henry, 902 F.2d 414, 416 (5th Cir.), cert. denied, 498 U.S. 901 (1990) and cert. denied, 498 U.S. 1069 (1991).

APPEAL DISMISSED.