

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20505  
Conference Calendar

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FREDDIE JOHN DANIEL,

Plaintiff-Appellant,

versus

JACK C. DUNCAN, a/k/a  
Z Duncan, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 92-CV-1081  
- - - - -

(November 16, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

Freddie John Daniel's brief fails to raise or discuss any issues raised in the district court. Instead, the brief discusses generally race-based harassment allegedly suffered by black inmates and by inmates of other races who associate with black inmates and who utilize prison grievance procedures. This Court need not address issues not considered by the district court. "[I]ssues raised for the first time on appeal are not reviewable by this [C]ourt unless they involve purely legal

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Because Daniel has failed to brief the issues he did raise in the district court, those issues have been abandoned. Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987); see Fed. R. App. P. 28(a)(5).

Daniel requests appointment of counsel. There is no general right to counsel in a 42 U.S.C. § 1983 action. Branch v. Cole, 686 F.2d 264, 266 (5th Cir. 1982). "This [C]ourt may appoint counsel in civil rights suits presenting `exceptional circumstances.'" Cooper v. Sheriff, Lubbock County, Tex., 929 F.2d 1078, 1084 (5th Cir. 1991) (citation omitted). Daniel's district court pleadings and his appellate brief indicate that he is capable of representing himself. This case does not present exceptional circumstances warranting appointment of counsel.

The motion for appointment of counsel is DENIED. The appeal is frivolous and is DISMISSED. See 5th Cir. R. 42.2.