

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-40003
Summary Calendar

LEE ANTHONY JOHNSON, ET AL.,

Plaintiffs,

LEE ANTHONY JOHNSON,

Plaintiff-Appellant,

VERSUS

ANN RICHARDS, Governor, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:92-CV-691)

(January 12, 1995)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:¹

The district court did not abuse its discretion when it denied Lee Anthony Johnson's motion for appointment of counsel.² This civil rights case does not present the requisite "exceptional circumstances" which warrant the appointment of counsel. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986).

¹ 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

² We assume without deciding that the particular order in this case is appealable.

The Court lacks jurisdiction to consider Johnson's "Motion for New Trial," filed in this court over ten days after the entire of the judgment of dismissal. See Fed. R. Civ. P. 59(b) and 60(b). Johnson should direct his motion to the district court if he wishes to seek relief from the judgment dismissing the suit.

AFFIRMED.