

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-40198  
Conference Calendar

---

ROBERT E. LOVE,

Plaintiff-Appellant,

versus

ELLA FAYE WHEELER, Individually and  
in Her Official Capacity as Court  
Reporter for the 4th JDC, ET AL.,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 93-CV-1595  
- - - - -

(May 17, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Robert E. Love appeals the dismissal of his civil rights complaint filed pursuant to 42 U.S.C. § 1983. He alleges that: 1) he is entitled to a transcript of his state-court proceedings; 2) his inability to obtain same is tantamount to a denial of due process; and 3) he is entitled to inspect the district attorney's records.

On direct appeal, a convicted person has a right to a trial transcript or an alternative device that fulfills the same

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

function as a transcript. Griffin v. Illinois, 351 U.S. 12, 18-20, 76 S.Ct. 586, 100 L.Ed. 891 (1956). The record indicates that Love voluntarily dismissed his direct criminal appeal. Love has failed to demonstrate that he has been deprived of a constitutional right as the result of the unavailability of the transcript. See Walker v. Maggio, 738 F.2d 714, 716-17 (5th Cir. 1984), cert. denied, 469 U.S. 1112 (1985).

Furthermore, the state is not required to furnish a transcript so that Love could conduct "fishing expeditions" to seek out possible trial errors. Jackson v. Estelle, 672 F.2d 505, 506 (5th Cir. 1982) (citations omitted). Love has not alleged a deprivation of a right secured by the Constitution or the laws of the United States and thus is not entitled to § 1983 relief. See Thomas v. Torres, 717 F.2d 248, 249 (5th Cir. 1983), cert. denied, 465 U.S. 1010 (1984).

Additionally, to the extent that Love would have the district court direct the state court to provide him a transcript, such a request amounts to a writ of mandamus against a state official, which is a remedy not authorized by § 1983. See Moye v. Clerk, DeKalb County Superior Court, 474 F.2d 1275, 1276 (5th Cir. 1973).

Love has failed to brief the issue regarding the district attorney's records adequately, and thus it is deemed abandoned. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.