

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-41325
Conference Calendar

KENNITH WAYNE THOMAS,

Plaintiff-Appellant,

versus

MARK P. WISE, Sergeant, ET AL.,

Defendants,

PAGE MCGILVRAY, CO III, a/k/a
PAGE MCGLATY and
CLAY A. FARRIS, CO II,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-474
- - - - -

August 23, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:*

All of Kenneth Wayne Thomas's issues on appeal depend on a trial transcript for their resolution. The district court denied Thomas's motion for a transcript at government expense, and he did not renew his motion in this court or appeal the district

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

court's denial of his motion.

It is Thomas's responsibility to provide this court with a transcript. See Fed. R. App. P. 10(b). As he has failed to provide one, this court cannot review Thomas's arguments that the testimonies of certain defense witnesses were inadmissible, that the magistrate judge erred by failing to "invoke the rule," that Thomas was improperly denied witnesses, and that the magistrate judge's findings were erroneous. Accordingly, we must dismiss the appeal. See Richardson v. Henry, 902 F.2d 414, 415-16 (5th Cir.), cert. denied, 498 U.S. 901 (1990).

APPEAL DISMISSED.