

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50250
Conference Calendar

CURTIS RAY HOLLOWAY,

Plaintiff-Appellant,

versus

ALAN TROLLENGER, Cpt., ET AL.,

Defendants-Appellees.

CURTIS RAY HOLLOWAY,

Plaintiff-Appellant,

versus

ALAN TROLLENGER, Cpt., ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CA-3 c/w A-94-CA-96
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(January 27, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

In his brief, Curtiss Ray Holloway makes no legal arguments regarding any alleged errors committed by the district court save

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

that the district court improperly consolidated his two civil rights complaints. Even according his pro se brief a liberal construction, see Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 39 L. Ed. 2d 652 (1972), he has failed to offer anything that can be construed as an appellate argument concerning the district court's grant of the defendants' motion to dismiss. Thus, Holloway does not contest the propriety of the dismissal of his cases, regardless whether they were consolidated or not. Therefore, his appeal presents no issue of arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

Holloway has also moved for the appointment of appellate counsel. However, he has not demonstrated that his appeal presents exceptional circumstances warranting such an appointment. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). IT IS ORDERED that his motion for the appointment of appellate counsel is DENIED.

APPEAL DISMISSED; MOTION DENIED.