

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30360  
Conference Calendar

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LUIS ENRIQUE GONZALEZ,

Plaintiff-Appellant,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 95-CV-192  
- - - - -  
(October 18, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:\*

Appellant Luis Enrique Gonzalez, a federal prison inmate, filed a petition for mandamus, seeking to require the Immigration and Naturalization Service (INS) either to provide him with a deportation hearing or to withdraw its detainer on him. Subsequently, he filed a motion requesting the district court to appoint counsel to represent him at his INS deportation hearing. The magistrate judge denied the motion, and Gonzalez did not

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

appeal the ruling to the district court, pursuant to 28 U.S.C. § 636(b)(1).

The magistrate judge also filed a report recommending denial of Gonzalez's mandamus petition. The district court, in effect adopting the report, dismissed the action. The court did not advert to the magistrate judge's order denying the motion for counsel.

The only issue which Gonzalez states or discusses in his appellate brief is that counsel should be appointed to represent him before the INS, due to his indigency. Because Gonzalez failed to appeal the magistrate judge's denial of his counsel motion to the district court, this court lacks jurisdiction to consider it. Colburn v. Bunge Towing, Inc., 883 F.2d 372, 379 (5th Cir. 1989).

APPEAL DISMISSED.