

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30840
Conference Calendar

JEFFERY FUSSELL,

Plaintiff-Appellant,

versus

RICHARD L. STALDER, Secretary
of Corrections, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA-94-891-A-M2

February 29, 1996
Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Jeffery Fussell has filed a motion to proceed in forma pauperis (IFP) on appeal. He appeals from the trial court's denial of his motion for the appointment of counsel.

Fussell has not demonstrated that this case is so exceptional as to require the appointment of counsel. There is, therefore, no abuse of discretion by the district court in not appointing counsel.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Fussell has not presented a nonfrivolous issue. Therefore, IT IS ORDERED that his motion for leave to proceed on appeal IFP is DENIED. Because his appeal is frivolous, the appeal is DISMISSED. 5th Cir. R. 42.2.