

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60727
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL J. RUSH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:92-CR88PR-02
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Daniel J. Rush (#23183-034) has applied for leave to proceed in forma pauperis ("IFP") in this appeal from the denial of his motion for production of transcripts at Government expense. Rush has also moved this court for an order requiring production of the transcripts. There is no pending appeal from Rush's criminal conviction and Rush has not filed a post-conviction motion challenging his conviction or sentence. See 28 U.S.C. § 753(f).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

"[A] federal prisoner is not entitled to obtain copies of court records at government expense to search for possible defects, merely because of his status as an indigent." Cowan v. United States, 445 F.2d 855 (5th Cir. 1971). The motion for leave to proceed IFP is DENIED. Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. The motion for production of transcripts at Government expense is DENIED.