

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50159  
Conference Calendar

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BENNIE FINISTER,

Plaintiff-Appellant,

versus

THON WILEY NICHOLS et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-95-CV-345  
- - - - -  
February 21, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Bennie Finister, #649506, appeals from the district court's denial of his motion for a preliminary injunction. He requested that he be transferred from the Hughes Unit of the Texas Department of Criminal Justice (TDCJ) to another TDCJ unit. Finister has informed this court that he has been transferred from the Hughes Unit to the Michael Unit of TDCJ. Finister's appeal, therefore, is moot. The appeal is frivolous. See Howard

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

v. King, 715 F.2d 215, 219-20 (5th Cir. 1983). It is DISMISSED.  
See 5th Cir. R. 42.2. Finister's motion for the appointment of  
counsel on appeal is DENIED as moot.

APPEAL DISMISSED; MOTION DENIED.