

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50323  
Summary Calendar

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ROBERT ERIK KESSLER,

Plaintiff-Appellant,

versus

WYSOKI, Dr.; WACKENHUT CORRECTIONS  
CORPORATION; PAUL BAILEY, Administrator,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-95-CV-282  
- - - - -

November 26, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

Robert Erick Kessler (#63980 080) appeals the district court's judgment dismissing his civil-rights action. Kessler also appeals the district court's refusal to appoint counsel to represent him in the district court. We have carefully reviewed the briefs and the record. Essentially for reasons relied upon by the district court, we hold that the district court properly granted the defendants' motion for summary judgment. See Kessler

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.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. Wysoki, No. SA-95-CA-282 (W.D. Tex. Apr. 9, 1996).

The refusal to appoint counsel was not an abuse of discretion. See Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982). The judgment is AFFIRMED. Kessler has moved this court for appointment of counsel. Because Kessler has failed to show exceptional circumstances require the appointment of counsel, see id., the motion is DENIED.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.