

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10379
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OTHNIEL MCKINNEY, SR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:96-CV-373
- - - - -

November 24, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Othniel McKinney, Sr., appeals the magistrate judge's denial of his motion for release on bond pending the disposition of his 28 U.S.C. § 2255 motion. Because McKinney failed to appeal the magistrate judge's order denying release on bond to the district court, this court has no jurisdiction to consider the ruling. See Boren v. N.L. Indus., Inc., 889 F.2d 1463, 1465 (5th Cir. 1989). Accordingly, the appeal is DISMISSED. McKinney's motion for the appointment of counsel is DENIED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.