

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20110
Conference Calendar

LINROY DAVIS, JR.,

Plaintiff-Appellant,

versus

JERRY GREEN; DAVE SNOOK,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-93-CV-336
- - - - -

February 12, 1998

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

PER CURIAM:*

Linroy Davis, Jr., Texas prisoner #585951, appeals from the judgment for the defendants in his prisoner civil-rights action. Davis requests appointment of counsel on appeal; his motion is DENIED. Davis contends that he was unable to obtain disciplinary records after requesting them; that the defendants violated prison rules; that defendant Green assaulted him in violation of the Eighth Amendment; that the defendants discriminated against him and were deliberately indifferent to his safety; that a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

witness who was under subpoena failed to appear at trial; that the jurors in his trial were unfair; that summary judgment was inappropriate in his case; and that the district court erred by failing to appoint counsel to represent him.

Davis has failed to brief for appeal his contention that he was unable to obtain disciplinary records. *Grant v. Cuellar*, 59 F.3d 523, 524-25 (5th Cir. 1995). Davis's contention that summary judgment was inappropriate is without a factual basis; his case went to trial. We cannot review Davis's contentions implicating the evidence at his trial or the alleged unfairness of the jury; Davis has failed to provide us with a trial transcript, as it is his duty to do. *Powell v. Estelle*, 959 F.2d 22, 26 (5th Cir. 1992). Davis did not seek appointment of trial counsel; the district court need not have appointed counsel *sua sponte*. See *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986).

Davis's appeal is frivolous and therefore is dismissed. We caution Davis that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Davis is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.