

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40520
Conference Calendar

ROBERT LAMARR ALLEN,

Plaintiff-Appellant,

versus

J. MEYERS ET AL.,

Defendants,

PAUL B. BARRETT, Corrections
Officer, Coffield Unit,
Individually and in official capacity,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:97-CV-6
- - - - -

April 16, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:*

Robert Lamarr Allen, Texas state prisoner #636644, appeals from a judgment for defendant Barrett following a jury trial on Allen's civil rights complaint. Allen argues that the district court abused its discretion by denying his requests for the appointment of counsel, by refusing to allow his witnesses to testify at his jury trial, by allowing Barrett to call a witness

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

who was not on his proposed witness list, and by denying his motion for a new trial because Barrett's testimony conflicted with all of the other evidence presented. The district court did not abuse its discretion by denying Allen's requests for the appointment of counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). This portion of the district court's judgment is AFFIRMED.

With regard to the remaining issues, Allen did not demonstrate to this court or to the district court that a transcript was necessary for the proper disposition of his appeal. Because Allen has thus failed in his responsibility to provide this court with a transcript, his appeal is DISMISSED as to the remaining issues. See Richardson v. Henry, 902 F.2d 414, 416 (5th Cir. 1990).

AFFIRMED IN PART; DISMISSED IN PART.