

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40065
Conference Calendar

DR. GARY JEFFERSON BYRD,

Plaintiff-Appellant,

versus

WAYNE HEAP ET AL.

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 93-CV-408
- - - - -
(July 22, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

The district court ordered Gary Jefferson Byrd to file a motion for default judgment within thirty days. Instead, Byrd chose to move for an extension of time, citing reasons which were inherently contradictory. The district court did not abuse its discretion by denying the motion and dismissing this lawsuit. See Fed. R. Civ. P. 6(b). Further, Judge Haik did not abuse his discretion by failing sua sponte to recuse himself from the case. United States v. MMR Corp., 954 F.2d 1040, 1044 (5th Cir. 1992).

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

This case does not present exceptional circumstances which would justify the appointment of appellate counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

The judgment of the district court is AFFIRMED and the motion for appointment of counsel is DENIED.