

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40072
Conference Calendar

DALE HYDE,

Plaintiff-Appellant,

versus

JAMES T. HICKEY, Sheriff
of Nueces County,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. 92-CV-181
- - - - -

June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Dale Hyde, a former inmate of the Nueces County Jail, appeals the district court's dismissal of his civil rights complaint. On appeal, Hyde alleges that he is unable to properly brief his appeal because he has "no knowledge as to what is required of him in litigating this cause of action." He further alleges that he "has no choice but to not respond, cancelling the action through no fault of his own."

* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Insofar as Hyde's brief could be construed as a motion for the appointment of counsel on appeal, Hyde's motion is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). Because Hyde has indicated that, without counsel, he is unable to proceed, Hyde's brief is construed as a motion to withdraw his appeal. Accordingly, IT IS ORDERED that Hyde's appeal is DISMISSED with prejudice. See Fed. R. App. P. 42(b).