

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-10422  
Summary Calendar

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WESLEY EUBANKS,

Plaintiff-Appellant,

versus

PARKER COUNTY, TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Northern District of Texas  
USDC No. 4:96-CV-77-Y

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September 12, 1996  
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:\*

Wesley Eubanks argues that the district court abused its discretion in dismissing as frivolous his complaint seeking an order directing the defendant, Parker County, Texas, to provide him with the record of his state criminal proceedings at the state's expense.

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record, including the state court proceedings in which Eubanks sought a copy of the criminal proceedings, and the district court's decision, and AFFIRM the dismissal of the complaint as frivolous, based on the district court's determination that Eubanks has no constitutional right to a copy of his criminal trial record at the state's expense in the absence of making the requisite showing. See United States v. MacCollum, 476 U.S. 317, 319 (1976).

Because we are affirming the dismissal of the complaint based on the district court's determination that Eubanks' allegations do not support an arguable constitutional violation, we need not address the district court's alternative determination that Eubanks' claim is barred by res judicata.

A F F I R M E D.