

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10777  
Conference Calendar

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CHARLES D. ELLIS,

Plaintiff-Appellant,

versus

No First Name PERKEY, Officer, Et Al.,

Defendants,

No First Name PERKEY, Officer, Et Al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:95-CV-145-BA  
- - - - -

April 10, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Charles D. Ellis, Texas prisoner # 658607, appeals the judgment in favor of the defendants following his trial before the magistrate judge. Ellis alleged that he was denied medical care and that he was the victim of the use of excessive force.

Ellis's motion for the appointment of counsel on appeal is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

DENIED. Ellis argues that the evidence supported his contentions. Even were we to construe this argument as a challenge to the magistrate judge's findings of fact, Ellis has failed to provide the court with a copy of the trial transcript, and he has not requested the production of the trial transcript.

As we are unable to review Ellis's contentions of error without a transcript, this appeal is frivolous, and it is DISMISSED. *Richardson v. Henry*, 902 F.2d 414, 415 (5th Cir. 1990); 5TH CIR. R. 42.2.

MOTION DENIED; APPEAL DISMISSED.