

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10836  
Conference Calendar

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CLINTON CUMMINGS,

Plaintiff-Appellant,

versus

JOE DONALDSON, Dr., Employee, Texas  
Department Criminal Justice Jordan Unit,

Defendant-Appellee.

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Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 2:94-CV-11  
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Clinton Cummings, Texas prisoner # 637608, appeals the district court's denial of his motion for the entry of judgment dismissing his 42 U.S.C. § 1983 action. He alleged that the district court did not enter a final judgment in a separate document as required by Fed. Rs. Civ. P. 58 and 79(a). He moves this court for an extension of time to file his brief, for a transcript of his trial at government expense, and for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appointment of appellate counsel.

The record shows that the district court entered a final judgment in a separate document from its order stating its findings of fact. Cummings' appeal is frivolous and entirely without merit and is DISMISSED in accordance with 5th Cir. R. 42.2. His motions are DENIED.

DISMISSED.