

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20661
Conference Calendar

DAVID RAY LEVERTON,

Plaintiff-Appellant,

versus

CITY OF HOUSTON POLICE DEPARTMENT;
JOHN B. HOLMES, JR; DOUGLAS SHAVER;
AARON L. BULLOCK,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-1019

February 17, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

David Ray Leverton, Texas state prisoner # 373652, appeals the dismissal of his civil rights complaint as frivolous. Leverton asks this court to appoint counsel for him on appeal. Leverton has presented adequately his appellate arguments without counsel, and he does not demonstrate exceptional circumstances warranting the appointment of counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). Therefore, his motion for the appointment of appellate counsel is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have carefully reviewed the record and the arguments. For essentially the same reasons set forth in the district court's order of dismissal, see Leverton v. City of Houston Police Dep't, No. H-98-1019 (S.D. Tex. June 11, 1998), we conclude that the district court did not abuse its discretion in dismissing Leverton's civil rights claims as barred by limitations.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.