

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40179
Summary Calendar

SHERMAN L. DARNELL,

Plaintiff-Appellant,

versus

TIM WEST; MARK TOMBLIN; VICTOR GARZA;
JAVIER PEREZ; DAVID LOPEZ; DAVID BUYERS;
MARCO VARELA; BUCKLEY ATKINSON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-94-CV-546
- - - - -
December 22, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Sherman Darnell, Texas state prisoner # 593265, has appealed the district court's order denying his motion for the appointment of counsel to represent him in his civil rights action. See Robbins v. Maggio, 750 F.2d 405, 412-13 (5th Cir. 1985). However, Darnell has failed to brief the only valid appellate issue, whether the district court's said ruling constitutes an abuse of discretion. See Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1980). Darnell "has effectively abandoned his claim by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

failing to brief it." Al-Ra'id v. Ingle, 69 F.3d 28, 33 (5th Cir. 1995). Therefore, this appeal is DISMISSED as frivolous. 5TH CIR. R. 42.2.

APPEAL DISMISSED.