

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20278  
Conference Calendar

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ROLAND H. RUDD,  
also known as Elisha Aziz Muhammed,

Plaintiff-Appellant,

versus

AMY H. SCUDDER; SAMUEL ROGERS;  
T. CASCIATO; T. DRAPER; WAYNE SCOTT, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CV-169  
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Appellant Roland H. Rudd, TDCJ-ID # #283539, appeals the district court's judgment in favor of the defendants in this civil rights action brought pursuant to 42 U.S.C. § 1983. He challenges several rulings made by the district court during his jury trial.

An appellant, even one pro se, who wishes to challenge findings or conclusions that are based on proceedings at a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trial has the responsibility to order a transcript. Fed. R. App. P. 10(b); Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992).

This court does not consider the merits of an issue when an appellant fails in that responsibility. Powell, 959 F.2d at 26.

Rudd has not provided a trial transcript. All issues raised on appeal require examination of the transcript. We must therefore decline to consider all issues Rudd raises. See Alizadeh v. Safeway Stores, Inc., 910 F.2d 234, 237 (5th Cir. 1990).

Because there is no issue before us of arguable merit, the appeal is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Therefore, the appeal is DISMISSED. See 5TH CIR. R. 42.2.