

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41156
Conference Calendar

THERMAN LEE HARRIS,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DEPUTY DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; TIMOTHY WEST, Warden, Mark W. Stiles Unit; GARLAND FLAKES, Assistant Warden, Mark W. Stiles Unit; CHRISTOPHER NWENE, Guard, Mark W. Stiles Unit; LARRY BOTTOM, Guard, Mark W. Stiles Unit; KEVIN POWELL, Sergeant, Mark W. Stiles Unit; FELECIA DAVIS SMITH, Guard, Mark W. Stiles Unit; KIMBERLY RHINEHART, Guard, Mark W. Stiles Unit; NORMAN WARD, Guard, Mark W. Stiles Unit; CLINTON ROBINSON, Guard, Mark W. Stiles Unit; ADAM CARMOUCHE, Guard, Mark W. Stiles Unit; JAMES MITCHELL, Guard, Mark W. Stiles Unit; GARY GOMEZ, Board Member of region three; JEANE BELLANGER, individual capacity; RUSSEL MCDONALD, individual capacity; STEVEN SWIFT, individual capacity; RICKEY TARVER, individual capacity; BELLA LEBLANC, individual capacity; CARL PLOCK, individual capacity; LLYN REYNOLDS, individual capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CV-263

December 14, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Therman Lee Harris, Texas prisoner # 534500, appeals the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

magistrate judge's denial of his motion for appointment of counsel. Because Harris' case is not particularly complex and he has been able to present his case adequately in his complaint, amended complaint, and at the hearing held pursuant to Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985), Harris has not shown that the magistrate judge abused his discretion in denying his motion for appointment of counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

Harris has also filed a motion for a transcript of the Spears hearing at government expense. Because Harris has not demonstrated that the transcript is necessary for the resolution of this appeal, because such transcripts are for the court's internal use and are not generally provided to the appellant, and because the district court did not obtain a record of the Spears hearing due to equipment malfunction, Harris' motion for a transcript at government expense is DENIED.

MOTION FOR TRANSCRIPT AT GOVERNMENT EXPENSE DENIED; ORDER DENYING APPOINTMENT OF COUNSEL AFFIRMED.