
No. 95-3402

Johnny Warren,

Appellant,

v.

Mexico Chiquito,

Appellee.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.

* [UNPUBLISHED]
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Submitted: December 24, 1996

Filed: January 2, 1997

Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Johnny Warren appeals from the district court's¹ entry of judgment for defendant after a bench trial in his employment discrimination action. In the absence of a trial transcript, we cannot review the district court's factual findings for clear error. See Meroney v. Delta Int'l Mach. Corp., 18 F.3d 1436, 1437 (8th Cir. 1994). Accepting those findings as true, we agree that Warren did not establish a prima facie case of race discrimination. See Miner v. Bi-State Dev. Agency, 943 F.2d 912, 913-14 (8th Cir. 1991) (plaintiff who failed to prove performance was adequate failed to establish prima facie case of race discrimination). As to Warren's allegations regarding his appointed counsel's representation below, we note that a civil litigant has no

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

constitutional right to effective assistance of counsel. See Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.