

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-3477

Repoleon Gilbert,

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Appellant,

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v.

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

Bill Terry, Classification Officer,
Cummins Unit, Arkansas Department
of Correction; Marshall Dale Reed,
Warden, Cummins Unit, Arkansas
Department of Correction; Larry Norris,
Director, Arkansas Department of
Correction,

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Appellees.

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[UNPUBLISHED]

Submitted: January 7, 1998
Filed: January 9, 1998

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Repoleon Gilbert alleged prison officials retaliated against him for assisting inmates in the grievance procedure and with other legal matters, and gave him job assignments beyond his physical capabilities. After a

bench trial, the district court entered judgment dismissing Gilbert's complaint in accordance with the court's written findings. On appeal, Gilbert did not provide a trial transcript. Instead, he moved for preparation of one at government expense after fully briefing the issues he raises. After careful review of the briefs and the district court file, we deny the motion for a transcript, and affirm the district court's judgment. See 8th Cir. R. 47B. We also deny appellees' motion to dismiss this appeal as moot.

A true copy.

Attest:

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