

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-2412

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James McBrien,

Appellant,

v.

Phelps County Jail,

Appellee.

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

[UNPUBLISHED]

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Submitted: June 29, 1998

Filed: July 7, 1998

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Before FAGG, BEAM, and HANSEN, Circuit Judges.

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PER CURIAM.

James McBrien seeks to appeal the district court's<sup>1</sup> order denying his request for counsel and administratively closing its file. Because McBrien never commenced an action in the district court, we see no basis for appellate jurisdiction. Accordingly, we dismiss this appeal. See 8th Cir. R. 47A(a). McBrien's remedy is to file a complaint in the district court on the court-provided form.

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<sup>1</sup>The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.

A true copy.

Attest:

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