

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1324

Tommy L. Radford,

Appellant,

v.

T. S. Falls, Lt., Varner Unit, ADC,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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[UNPUBLISHED]

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Submitted: November 30, 2005

Filed: December 6, 2005

Before MELLOY, MAGILL, and GRUENDER, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, inmate Tommy L. Radford appeals the district court's¹ judgment entered upon a jury verdict in favor of Lieutenant Talbot Falls on Radford's claim that Falls failed to protect him from an assault by another inmate. In the absence of a trial transcript, however, we cannot review Radford's arguments about the sufficiency of the evidence, the propriety of evidentiary rulings, or the temporary substitution of a judge. See Meroney v. Delta Int'l Mach. Corp., 18 F.3d 1436, 1437 (8th Cir. 1994); Schmid v. United Bhd. of Carpenters & Joiners, 827 F.2d

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

384, 386 (8th Cir. 1987) (per curiam), cert. denied, 484 U.S. 1071 (1988). As to the grant of Radford's first and second appointed attorneys' motions to withdraw, and the refusal of the court to appoint counsel a third time, we find no abuse of discretion on the record before us. See Swope v. Cameron, 73 F.3d 850, 851-52 (8th Cir. 1996) (standard of review and relevant factors). Finally, we do not consider the issues raised for the first time in Radford's reply briefs, see Norwest Bank of N.D. v. Doth, 159 F.3d 328, 334 (8th Cir. 1998) (issues first raised in reply brief will generally not be considered), other than to observe that Radford's ineffective-assistance claim does not support reversal in this civil action, see Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988).

The judgment of the district court is affirmed. See 8th Cir. R. 47B.
