

December 10, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20509
Conference Calendar

MASSOOD DANESH PAJOOH,

Plaintiff-Appellant,

versus

MELINDA HARMON, U.S. District Judge, United States District
Judge, individually; DON J. DEGABRIELLE, The Assistant United
States Government Attorney, individually; JOHN DOE,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-03-CV-155

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Massood Danesh Pajooch appeals the dismissal with prejudice
of his suit brought pursuant to Bivens v. Six Unknown Named
Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and
other grounds. Pajooch argues that defendants DeGabrielle and
Judge Harmon are not absolutely immune from suit for damages.

Judge Harmon enjoys absolute immunity because Pajooch's
claims for damages arose out of acts she performed in 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that this opinion should not be published and is not precedent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.

exercise of her judicial functions. See Mitchell v. McBryde, 944 F.2d 229, 230 (5th Cir. 1991). DeGabrielle enjoys absolute immunity because his conduct was "intimately associated with the judicial phase of the criminal process." See Beck v. Texas State Bd. of Dental Examiners, 204 F.3d 629, 637 (5th Cir. 2000).

Pajooch argues that the district court erred when it determined that he had failed to state a claim upon which declaratory or injunctive relief could be granted. Pajooch's unsupported conclusory accusations do not suffice to prevent a motion to dismiss. See Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002), cert. denied, 123 S. Ct. 1287 (2003). The district court's dismissal with prejudice of Pajooch's suit is AFFIRMED.