

July 26, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10040
Summary Calendar

MICHAYL MELLEN,

Plaintiff-Appellant,

versus

THE CONGRESS OF THE UNITED STATES OF AMERICA; THE UNITED STATES OF AMERICA; GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES; THE STATE OF TEXAS; ABILENE INDEPENDENT SCHOOL DISTRICT; MICHAEL MOEHLER, Superintendent of Abilene Independent School District; DAVID POLNICK, Superintendent of Abilene Independent School District; THE SENATE OF THE UNITED STATES OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:03-CV-183

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Michayl Mellon filed the instant suit to seek redress for various acts that allegedly violated the constitutional rights of both himself and his two minor children. The district court dismissed Mellen's complaint on the bases that it was frivolous and failed to state a claim upon which relief could be granted. Mellen appeals that decision.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Mellen requests that we accept his brief, which does not comply with this court's page limitations, in its present form. The motion is GRANTED. We note, however, that the brief is grossly excessive in length. Mellen is WARNED that future attempts to file egregiously excessive pleadings in this court could result in sanctions.

Mellen argues that the district court erred in rejecting his claims related to the constitutionality of the Pledge of Allegiance, the use of certain symbols, and school holidays and celebrations. Mellen has not shown that the district court erred in dismissing his complaint. A reasonable observer would not conclude that the disputed phrases, symbols, and actions evince Governmental approval of religion. See Lemon v. Kurtzman, 403 U.S. 602, 612-13 (1971). Because Mellen has shown no error in the judgment of the district court, that judgment is AFFIRMED.

MOTION GRANTED; SANCTIONS WARNING ISSUED; JUDGMENT OF DISTRICT COURT AFFIRMED.