

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-11349
Conference Calendar

ANTONIO SEPEDA,

Plaintiff-Appellant,

versus

LEE WATERS, District Judge, 223rd District,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:00-CV-349

April 10, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Antonio Sepeda, Texas prisoner number 469585, has appealed the district court's judgment dismissing his civil rights complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B), on grounds that the defendant, a state district judge, is entitled to absolute immunity from suit. Sepeda argues correctly that his complaint did not request an award of monetary damages and, accordingly, should not have been dismissed on grounds of judicial immunity. See *Chrissy F. by Medley v. Miss. Dep't of Pub. Welfare*, 925 F.2d 844, 849 (5th Cir. 1991). Although 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

district court erred in relying upon the doctrine of judicial immunity, it did not err in dismissing the complaint as frivolous.

Sepeda contended in his complaint that his civil rights were violated because Judge Waters denied his motion for appointment of counsel. Sepeda requested declaratory and injunctive relief. In essence, Sepeda's complaint requested review of Judge Waters's order. "[L]itigants may not obtain review of state court actions by filing complaints about those actions in lower federal courts cast in the form of civil rights suits." Hale v. Harney, 786 F.2d 688, 691 (5th Cir. 1986); see District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 n.16 (1983). The complaint was legally frivolous and the district court lacked jurisdiction to grant the relief requested. See Hale, 786 F.2d at 691; see also Fed. R. Civ. P. 12(h)(3). Accordingly, we hold that the district court did not abuse its discretion in dismissing the complaint as frivolous. See Berry v. Brady, 192 F.3d 504, 507 (5th Cir. 1999)(standard of review). The district court's judgment is

AFFIRMED.