

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-30320  
Summary Calendar

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WILLIAM R. VANDERWALL,

Plaintiff-Appellant,

versus

LANE CARSON,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 00-CV-3419-L  
- - - - -

August 6, 2001

Before JOLLY, DAVIS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

William R. Vanderwall appeals the district court's dismissal of his civil rights lawsuit filed pursuant to 42 U.S.C. § 1981 against Lane Carson, the Assistant District Attorney for St. Tammany Parish. The basis of Vanderwall's suit is the dismissal of a lawsuit in state court due to abandonment.\*\* Carson represented St. Tammany Parish in the state court suit. Vanderwall alleged that Carson influenced others "to participate in widespread governmental wrongdoing" with regard to his state

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

\*\* See La. Code Civ. P. art. 561(A)(1)(providing that a suit is abandoned after three years of nonactivity).

suit seeking the removal from his property of a public road. The district court concluded that Vanderwall failed to state a claim under 42 U.S.C. § 1981. Finding Vanderwall's claims more analogous to those of an action under 42 U.S.C. § 1983, the district court analyzed them as such and dismissed them on the basis of prosecutorial immunity. Vanderwall now contends that it was his intention to sue under 42 U.S.C. §§ 1983, 1985, and 1996.

Carson's actions in the state court litigation were those of an advocate and, as such, were protected by immunity. See Kalina v. Fletcher, 522 U.S. 118, 127 (1997); Imbler v. Pachtman, 424 U.S. 409, 410, 430-31 (1976). Bare allegations of constitutional violations or of the existence of a conspiracy are insufficient to state a civil rights claim. Fernandez-Montes v. Allied Pilots Ass'n, 987 F.2d 278 (5<sup>th</sup> Cir. 1983). Vanderwall's allegation that Carson violated his constitutional rights via a conspiracy is unsupported by either the facts he alleges or the state pleadings in the record. The district court did not err in dismissing Vanderwall's suit.

AFFIRMED.