

October 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-50193  
Conference Calendar

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APPARAJAN GANESAN,

Plaintiff-Appellant,

versus

SUDHA VALLABHANENI; BUREAU OF IMMIGRATION  
AND CUSTOMS ENFORCEMENT,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-02-CV-614-JN  
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Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

Apparajan Ganesan, Texas inmate #904088, proceeding pro se,  
appeals the district court's dismissal of his civil complaint.  
Ganesan's motion for hearing en banc is DENIED.

"The Rooker-Feldman\*\* doctrine holds that federal district  
courts lack jurisdiction to entertain collateral attacks on state  
judgments." United States v. Shepherd, 23 F.3d 923, 924 (5th

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\* 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that this opinion should not be published and is not precedent  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.

\*\* Dist. of Columbia Court of Appeals v. Feldman, 460 U.S.  
462, 476, 482 (1983); Rooker v. Fid. Trust Co., 263 U.S. 413, 415  
(1923).

Cir. 1994). If the district court must examine issues that are "inextricably intertwined" with a state judgment, the [district] court is 'in essence being called upon to review the state-court decision, and the originality of the district court's jurisdiction precludes such a review.'" Id. Under the Rooker-Feldman doctrine, Ganesan may not attempt to invalidate in federal court the state court judgment obtained in the common law marriage proceeding. See id.

Ganesan's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Because the appeal is frivolous, it is DISMISSED. 5TH CIR.

R. 42.2. The dismissal of Ganesan's appeal counts as a strike for purposes of 28 U.S.C. § 1915(g). Ganesan is warned that should he accumulate three strikes, for purposes of 28 U.S.C. 1915(g), he will be unable to proceed in forma pauperis in any civil action or appeal unless he is under imminent danger of serious physical injury.

APPEAL DISMISSED AS FRIVOLOUS; MOTION FOR EN BANC HEARING DENIED; SANCTIONS WARNING ISSUED.