

**FILED**

August 17, 2004

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 03-61039  
Conference Calendar

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SHARON CAMPBELL; JEFFERY CAMPBELL,

Plaintiffs-Counter Defendants-Appellants,

versus

WILLIAM F. SCHNELLER; RODNEY YARBROUGH; LINDA YARBROUGH,

Defendants-Counter Claimants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:03-CV-27-M  
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Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:\*

Sharon and Jeffery Campbell appeal the district court's summary judgment in favor of Rodney and Linda Yarbrough and the Yarbroughs' attorney, William F. Schneller. The Campbells filed a 42 U.S.C. § 1983 petition challenging the validity of the Yarbroughs' adoption from them in June 1996 of Kayla Martinez, a girl the Campbells adopted on June 20, 1995. The issue of the validity of the Yarbroughs' adoption of Kayla has been fully litigated in state court and decided against the Campbells. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court did not err in finding that the Campbells' claims are barred by res judicata and collateral estoppel. See Petro-Hunt, L.L.C. v. United States, 365 F.3d 385, 395 (5th Cir. 2004); Stafford v. True Temper Sports, 123 F.3d 291, 295 (5th Cir. 1997).

The Campbells' claim that the district court judge should have recused himself because he is related to Linda Mills Yarbrough is conclusional and therefore frivolous. This appeal is frivolous and is DISMISSED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. The Campbells are warned that the filing of a duplicative, frivolous lawsuit arising from the Yarbroughs' adoption of Kayla will invite the imposition of sanctions.

The Campbells' motion to supplement the record with discovery pleadings is DENIED.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED; MOTION DENIED.