

August 22, 2007

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 05-51719  
Summary Calendar

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MICHAEL J. FLORES; LEE FLORES,

Plaintiffs-Appellants,

versus

MATTHEWS & BRANSCOMB; JAMES H. ROBICHAUX; JAMES CLANCEY; JEFFREY  
DICKERSEN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
(5:05-CV-897)

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Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Michael and Lee Flores appeal, *pro se*, the dismissal of their 42 U.S.C. § 1983 action against a private law firm and three of its members as frivolous, pursuant to 28 U.S.C. § 1915. That dismissal is reviewed for abuse of discretion. *Norton v. Dimazana*, 122 F.3d 286, 291 (5th Cir. 1997). Affording the pleadings and brief the requisite liberal construction, e.g., *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995), there was no such abuse.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

First, the Floreses offer no concrete assertions of a violation of the Constitution or federal law, nor assert any facts to support their conclusory claim that defendants acted under the required color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988); *Mills v. Criminal Dist. Court No. 3*, 837 F.2d 677, 678 (5th Cir. 1988). In that regard, a state-law claim against the defendant attorneys for professional misconduct is not a basis for § 1983 relief. See *O'Brien v. Colbath*, 465 F.2d 358, 359 (5th Cir. 1972); see also *Baker v. McCollan*, 443 U.S. 137, 146 (1979) (a § 1983 complaint is not a vehicle for vindicating rights arising under state tort law). Finally, the Floreses offer no specific facts to support their claim of a conspiracy between defendants and the state court. See *Young v. Biggers*, 938 F.2d 565, 569 (5th Cir. 1991).

**AFFIRMED**