

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2012

Lyle W. Cayce
Clerk

No. 11-50550
Summary Calendar

BERNICE MARIE DEROUEN,

Plaintiff-Appellant

v.

FALLS COUNTY SHERIFF'S DEPARTMENT;
RICKY SCAMAN, Deputy Sheriff, in his individual
and Official Capacities,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:11-CV-138

Before JONES, Chief Judge, and HAYNES and GRAVES, Circuit Judges.

PER CURIAM:*

Appellant Bernice Marie DeRouen (“DeRouen”) attempts to challenge the district court’s dismissal for lack of jurisdiction of her § 1983 suit against a deputy sheriff and “the Sheriff’s Department” of Falls County. The district court dismissed because she has already pursued—and lost—exactly the same claim in Texas state courts.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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1. Under the *Rooker-Feldman* doctrine, she may not continue to litigate the claims by seeking review of the state courts' decisions in federal court. The district court correctly dismissed on this basis.¹

2. Moreover, DeRouen's initial brief on appeal utterly fails to address the *Rooker-Feldman* doctrine, and she has therefore waived any argument based on that doctrine. *Brinkmann v. Dallas Cty. Dep. Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

The appeal fails to raise an issue of arguable merits and is DISMISSED as frivolous. See Fifth Circuit Rule 42.2.

¹ *Rooker v. Fidelity Trust Co.*, 263 U.S. 412, 44 S. Ct. 149 (1923); *Dist. of Columbia Ct. of Appeals v. Feldman*, 460 U.S. 462, 103 S. Ct. 1303 (1983).