

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

No. 13-30893
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2014

Lyle W. Cayce
Clerk

JAMIE LABRANCHE,

Plaintiff-Appellant

v.

MARY HOTARD BECNEL, Individually and in her capacity as Louisiana
40th Judicial District Judge of St. John the Baptist Parish,

Defendant-Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:13-CV-5158

Before KING, DAVIS, and ELROD, Circuit Judges.*

PER CURIAM:

Jamie LaBranche, proceeding pro se, moves for leave to proceed in forma pauperis (IFP) on appeal. The district court denied LaBranche's motion to appeal IFP and certified that his appeal was not taken in good faith. By moving in this court for leave to proceed IFP, LaBranche challenges the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-30893

court's certification decision. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

LaBranche argues that the district court erred in dismissing his 42 U.S.C. § 1983 action because the defendant judge acted improperly while presiding over a mortgage foreclosure proceeding filed against him in state court. He contends that the defendant acted outside the scope of her judicial function and thus was not entitled to immunity for her actions and, also, that both the magistrate judge and district court in his federal proceedings were biased against him.

In his § 1983 complaint, LaBranche sought injunctive and declaratory relief and, also, any other relief deemed appropriate. He asked the district court to order the defendant state judge to vacate conflicting summary judgment orders she had purportedly signed. Although judicial immunity does not bar claims for injunctive or declaratory relief in civil rights actions, *see Holloway v. Walker*, 765 F.2d 517, 525 (5th Cir. 1985), LaBranche cannot obtain his requested relief because federal courts have no authority to direct state courts or their judicial officers in the performance of their duties. *See Moye v. Clerk, DeKalb Cnty. Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973). Accordingly, as to the dismissal of his claims against Judge Becnel, he has shown no nonfrivolous appellate issue. LaBranche's allegation that the magistrate judge and district court dismissed his § 1983 action because they were biased against him likewise fails to present a nonfrivolous issue for appeal. *See United States v. Scroggins*, 485 F.3d 824, 829-30 & n.19 (5th Cir. 2007).

LaBranche has failed to show that his appeal involves any arguably meritorious issue. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

No. 13-30893

Accordingly, we DENY his motion and DISMISS his appeal as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.