

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1186
Conference Calendar

JESSICA LYNN NAGY, ET AL.,

Plaintiffs-Appellants,

versus

DONNA JEAN HOLT, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. CA3-91-2607-T
- - - - -

March 16, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Joseph Nagy attempts to obtain review of the state court judgment rendered in his divorce/child-custody proceeding by casting his complaint in the form of a civil rights suit.

Nagy asserts that the district court's dismissal of his cause of action was improper under 28 U.S.C. § 1915(d). Inasmuch as Nagy was not proceeding in forma pauperis (IFP), nor seeking such status, his assertion is correct. However, the dismissal itself was clearly proper because the district court had no

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

jurisdiction over Nagy's claims. See Hale v. Harney, 786 F.2d 688, 691 (5th Cir. 1986); see also Brinkmann v. Johnston, 793 F.2d 111, 113 (5th Cir. 1986).

Nagy's allegations of civil rights violations merely challenge the result of the state court proceeding and were properly deemed frivolous by the district court. "[L]itigants may not obtain review of state court actions by filing complaints about those actions in lower federal courts cast in the form of civil rights suits." Hale, 786 F.2d at 691; see also Brinkmann, 793 F.2d at 113. Redress, should any be available, would be in the Texas state courts, or ultimately, the United States Supreme Court. Hale, 786 F.2d at 691. The district court correctly dismissed this lawsuit.

In the district court, Nagy asserted that he should be allowed to represent his daughters on their alleged civil rights claims. He has not addressed this issue on appeal, and thus, the issue is deemed abandoned. Hobbs v. Blackburn, 752 F.2d 1079, 1083 (5th Cir.), cert. denied, 474 U.S. 838 (1985).

Appellee Donohue requests the imposition of costs and sanctions against Nagy in the event this Court does not dismiss the appeal for lack of subject matter jurisdiction. In light of the fact that this is Nagy's first foray into the federal forum, and because he is proceeding pro se, we warn him that he invites the imposition of sanctions should he pursue further federal court review of his divorce/child-custody proceedings.

AFFIRMED.