

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5010
Summary Calendar

JANIE DODD BAKER,

Plaintiff-Appellant,

versus

STATE OF LOUISIANA, and
GRAYDON K. KITCHENS, JR., in his
Official capacity as Judge 26th
Judicial District Court,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(CA-91-1874-S)

(November 3, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Appellant Janie Dodd Baker challenges the district court's denial of injunctive and declaratory relief on her complaint that a Louisiana court illegally taxed the costs of a sign language interpreter against her in a domestic relations case.

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

We agree with the district court's decision to withhold these equitable remedies and therefore affirm.

Ms. Baker, deaf and therefore disabled within the meaning of 29 U.S.C. § 706(8)(B), filed a rule for past due child support and contempt against her former husband in Louisiana state court. Her husband responded with a cross-rule to reduce child support. Baker personally arranged for a sign language interpreter during the July 19, 1990 hearing, as this was the only means by which she could communicate with the court and understand the nature and consequences of the hearing. On July 31, the Deaf Action Center submitted its bill for \$150 to the judge, who sua sponte taxed the bill as court costs against Ms. Baker in his judgment. The bill was not paid. On the other hand, appellant never moved to set aside the bill for costs or to appeal the judgment containing that bill.

Her federal lawsuit, filed in August 1991, contends that two Louisiana statutes that allegedly compelled the judge's decision violate the Americans with Disabilities Act, 42 U.S.C. § 12131-12161, and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as well as her equal protection and due process rights under the Fourteenth Amendment. La. Code Civ. Prac. art. 192.1, La. Rev. Stat. 13:841.2.

The only disputed issue before the district court was "whether the defendants discriminated against Ms. Baker solely by reason of her handicap when the state court taxed her interpreter services as court costs and apportioned those costs to her." The

court concluded that Ms. Baker did not timely initiate the requisite procedures to obtain appointment of a sign language interpreter by the state court and that only upon such appointment by the court would the provisions of federal law apply and prevent the court from taxing costs against her.

Without reaching that specific holding, we nevertheless concur that injunctive and declaratory relief were not appropriate here.

The Supreme Court has stated that federal "[district courts] do not have jurisdiction . . . over challenges to state-court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional." D.C. Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983). This is not a case in which a party has sued in federal court to make a general challenge to the constitutionality of a statute or rule. See id. at 482 - 86. Rather, the plaintiff's suit is "patently an attempt to collaterally attack the validity of [the state court judgment]." Almon v. Sandlin, 603 F.2d 503, 506 (5th Cir. 1979).

Although Baker frames her complaint in terms of the inconsistency of the cited Louisiana statutes with federal statutory and constitutional law and seeks declaratory, injunctive, and monetary relief as a result, the essential relief sought by Baker is a reversal of the state court's taxing of interpreter fees as court costs to her. See Chrissy F. by Medley v. Miss. Dep't of Pub. Welfare, 995 F.2d 595, 599 (5th Cir. 1993) (relying on Reed v.

Terrell, 759 F.2d 472 (5th Cir. 1985)). Where, as here, the taxing of costs was bound up with a state court judgment that Baker chose not to appeal, this court lacks jurisdiction to hear plaintiff's complaint. See id. at 598 - 600.

Further, there is no demonstrable likelihood that Ms. Baker will again be subjected to paying her interpreter fees in court. That domestic struggles may require her to commence future court proceedings does not establish her proposition that Louisiana law requires her to pay the costs of sign language interpreters in those later cases. The uncertainty of Louisiana law prevents her from demonstrating a sufficient likelihood of future injury to necessitate equitable relief. In this connection we agree with the district court's statement that mere conclusional allegations that Baker may use the state court system sometime in the future and that state laws could possibly be applied to her in a manner inconsistent with § 504 of the Rehabilitation Act are insufficient to establish a dispute susceptible to resolution by the federal court. Babbitt v. United Farm Workers National Union, 442 U.S. 289, 298, 99 S. Ct. 2301, 2309 (1979).

The judgment of the district court is AFFIRMED.