

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7649
Conference Calendar

DIXON W. LINDSAY,

Plaintiff-Appellant,

versus

J.R. MOZINGO ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA-3:93-216(B)(N)

(May 17, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

BY THE COURT:

IT IS ORDERED that Dixon W. Lindsay's motion for leave to proceed in forma pauperis is DENIED and his appeal is DISMISSED AS FRIVOLOUS. Fifth Cir. R. 42.2. Lindsay's appeal is not taken in good faith, i.e., it does not present any nonfrivolous issues. See 28 U.S.C. § 1915(a); Holmes v. Hardy, 852 F.2d 151, 153 (5th Cir.), cert. denied, 488 U.S. 931 (1988).

In District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482-87, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983), the Court held that a federal district court lacks subject-matter jurisdiction to review a state court's allegedly unconstitutional denial of admission to the bar, based on 28 U.S.C. § 1257, which provides that federal district courts and courts of appeal have

no power to review state-court decisions. This Court applied Feldman in a constitutional challenge involving admission to the Mississippi Bar in Nordgren v. Hafter, 789 F.2d 334, 336-37 (5th Cir.), cert. denied, 479 U.S. 850 (1986), holding that the Mississippi Board of Bar Admissions was an arm of the Mississippi Supreme Court, that its actions in applying its bar admissions criteria were judicial in nature, and that the plaintiff's request for review of the Board's actions on her application for admission to the Bar was beyond the subject-matter jurisdiction of the district court.

Lindsay's constitutional claims "are inextricably intertwined with the state court's denial in a judicial proceeding of a particular plaintiff's application for admission to the state bar." See Feldman, 460 U.S. at 482-83 n.16. Lindsay does not make a general constitutional challenge to the bar admission rules; his claims focus on the Board's application of the rules to him in his specific application for admission to the bar. Therefore, the district court did not have subject-matter jurisdiction over his claims. See Nordgren, 789 F.2d at 337.

APPEAL DISMISSED AS FRIVOLOUS.