

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10322
Summary Calendar

CHUSHANRISHATHAIM GOLIGHTLY,

Plaintiff-Appellant,

VERSUS

ATTORNEY GENERAL OF THE STATE
OF TEXAS, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(5:94-CV-55-C)

(October 12, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:¹

Chushanrishathaim Golightly, *pro se*, appeals from the district court's dismissal of his actions for civil rights violations, negligence, malpractice, and invasion of privacy. We **AFFIRM**.²

¹ Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

² Golightly has filed several documents with this court which we construe as a motion to supplement the record on appeal. This court is adverse to supplementing the record on appeal with material that was not before the district court. *United States v. Flores*, 887 F.2d 543, 546 (5th Cir. 1989). The motion is, therefore, **DENIED**.

I.

Beginning in March 1994, Golightly began filing, *pro se*, a series of documents with the district court, alleging various wrongs against numerous individuals and entities in connection with an adverse judgment he received in a state paternity action. The magistrate judge could not determine either what Golightly was claiming or the relief sought. With the guidance of the magistrate judge, Golightly amended his complaint to allege civil rights violations under 42 U.S.C. 1983, as well as negligence, malpractice, and invasion of privacy. He named as defendants the Attorney General of Texas, the Texas Department of Human Resources, and several individuals and private entities. He sought damages and a temporary injunction to stop garnishments for child support.

The magistrate judge recommended that the action be dismissed pursuant to the immunity afforded by the Eleventh Amendment of the United States Constitution as to the governmental parties, and for failure to state a claim as to the other defendants, pursuant to Fed. R. of Civ. P. 12(b)(6). Over objections by Golightly, the district court adopted the recommendation and dismissed the action.

II.

Our review of the record reveals that a primary force behind Golightly's complaint is his belief that, in a state paternity action, he was erroneously determined to be the biological father. We note at the outset that federal courts lack jurisdiction over collateral attacks on state judgments, including "claims framed as original claims for relief". ***United States v. Shepherd***, 23 F.3d

923, 924 (5th Cir. 1994) (relying on **Rooker v. Fidelity Trust Co.**, 263 U.S. 413, 415, 44 S. Ct. 149, 150 (1923) and **District of Columbia Court of Appeals v. Feldman**, 460 U.S. 462, 476, 482, 103 S. Ct. 1303, 1311, 1315 (1983)). To the extent that Golightly's claims are merely an attempt to collaterally attack the judgment of the state court, they are beyond our jurisdiction. His relief, if any, must be through the Texas state courts. However, because it appears that Golightly may be claiming something more,³ we review the district court's dismissals *de novo*.

The dismissal of the civil rights claims as to the Texas Attorney General and the Department of Human Resources and Services was correct. The Eleventh Amendment grants immunity to state agencies and their employees sued in their official capacity for civil rights violations. **Kentucky v. Graham**, 473 U.S. 159, 166-67, 105 S. Ct. 3099 (1985); **Laxey v. Louisiana Bd. of Trustees**, 22 F.3d 621, 622-23 (5th Cir. 1994); **Hughes v. Savell**, 902 F.2d 376, 377 (5th Cir. 1990).

As to the private defendants, we also review *de novo* the Rule 12(b)(6) dismissals, viewing all well-pleaded facts in the light most favorable to the plaintiff. *E.g.*, **Cinel v. Connick**, 15 F.3d 1338, 1341 (5th Cir. 1994). Golightly's various filings with the

³ We are unable to determine, even at this stage, the precise nature of Golightly's claims. It is unclear whether he proceeds solely on the basis of civil rights claims, tort theory, or both. As to the potential tort claims, we note the magistrate judge's finding that diversity jurisdiction exists as to certain named defendants employed by defendants Texaco Exploration and Production, Inc., and Genetic Design.

lower court are incoherent and disjointed.⁴ But even where comprehensible, his "pleadings" are merely conclusory allegations with no cogent statements as to the acts constituting the claimed wrongful conduct.⁵ Thus, we agree with the district court that Golightly has failed to state a claim for which relief can be granted. **See *Fernandez-Montes v. Allied Pilots Ass'n***, 987 F.2d 278, 284 (5th Cir. 1993) (noting that "conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss").

III.

For the foregoing reasons, the judgment is

AFFIRMED.

⁴ For example, Golightly's complaint against Genetic Design reads as follows:

Genetic Design is a blood bank, and it is not and accredited by the AMA as DNA. There's is probability. With the black population being 96% 0+ positive there percentage is 3.9 that could be right, but I doubt it it take 6 months or longer to do DNA. They must have been using genetic grouping or HLA testing. DNA testing you can x-ray them. Your testing is a sham and a fraud, and I'm requesting, for father testing done by you be retried using proper DNA fingerprinting.

⁵ Golightly's complaint against Texaco Exploration and Production, Inc. states:

All the defendants were notified not once, but way before. I have a telephone page, or printout of telephone callss [sic] I made and I thought this situation was resolved. Texaco is guilty of criminal & gross negligence, legal malpractice, and invasion of my personal & private material they divulged. It violates the Privacy Act, and my Bill of Rights.