

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20270
Conference Calendar

VICTOR C. JOSE,

Plaintiff-Appellant,

versus

JUDGE MELINDA HARMON ET AL.,

Defendants,

COOK & ROACH L L P ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 94-0183
- - - - -

(March 22, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Victor C. Jose's appeal lacks arguable merit. Although his notice of appeal explicitly appealed from the court's order of dismissal entered on March 7, 1994, nowhere in his 44-page brief does Jose argue that the district court erred in dismissing this suit. Rather, he accuses the defendants of, among other things, fraud, racketeering, wiretapping and attempted murder. In the course of challenging, yet again, the transfer and dismissal of

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

his prior employment discrimination action, Jose charges Federal District Judge Babcock "with knowingly, willfully and intentionally participat[ing] in obstructing justice."

Jose apparently believes that he should be granted yet another opportunity to show that he was unlawfully forced from his employment. Jose chose not to comply with the Colorado district court's rules but rather filed this suit in Texas state court while his original case was still pending. He cannot now attack the validity of that judgment in this new proceeding. See Langston v. Insurance Co. of North America, 827 F.2d 1044, 1048 (5th Cir. 1987).

This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

APPEAL DISMISSED. See 5th Cir. R. 42.2.