UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20586
Summary Calendar

ARCHIE WARD JULIEN,

Plaintiff-Appellant,

versus

THE STATE OF TEXAS, J. D. LANGLEY, Judge, CAPERTON, RODGERS & MILLER and W. STEPHEN RODGERS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-93-4156)

(May 3, 1995)

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:[1]

Archie Ward Julien, *pro se*, appeals the dismissal of his civil rights action against the State of Texas, J. D. Langley, W. Stephen Rodgers and Caperton, Rodgers & Miller. We **AFFIRM**.

I.

Julien alleged in his complaint that, in 1985, he and his wife purchased a lot on which, for business purposes, he planned to build a model steel-frame home; but, an adjacent owner filed an

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[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 Pursuant to that rule, the court has determined that this opinion should not be published.

adverse possession action against Julien in 1986, claiming part of his lot. After the state trial court ruled in favor of the adjacent owner, Julien lost on appeal, and unsuccessfully sought review by the Texas and United States Supreme Courts. *See* ***Julien v. Baker***, 758 S.W.2d 873 (Tex. Ct. App. 1988), *cert. denied*, 493 U.S. 955 (1989).

Pursuant to the warranty deed, the seller paid for Julien's defense at the adverse possession trial, but conveyed a portion of another adjacent lot to Julien for appellate legal fees. In 1989, Julien discovered that the second lot was encumbered by a previously undisclosed mortgage. In 1990, Julien filed suit against the seller in state court for breach of warranties of title and deceptive trade practices. The Texas trial court, appellee Judge Langley presiding, ruled against Julien, and awarded the seller approximately $14,000 in attorney's fees. Julien filed an affidavit stating his inability to pay the costs of appeal. The seller's attorney, appellee Rodgers, contested Julien's affidavit. At a hearing, Julien asserted that the contest was ineffective because the Rodgers' document was not sworn; the court agreed with Julien, but allowed Rodgers to correct the deficiency, and overruled Julien's objection that the modified document was untimely filed. Julien attempted unsuccessfully to obtain a writ of mandamus from the Texas appellate courts.

In December 1993, Julien filed the instant action against the State of Texas, Judge Langley, Rodgers, and his law firm, claiming that the defendants had interfered illegally with his steel-frame

housing business by conspiring to wrongfully seize his property, and that the defendants had acted individually and conspired together to deny him due process and other constitutional rights, including his right to vote, in depriving him of his property. He prayed for money damages and a "declaration condemning the actions of the Texas courts to curtail their practice of this type of wrongful activity". In a thorough and well-reasoned opinion, the district court granted the defendants' motions to dismiss for lack of subject matter jurisdiction, and sanctioned Julien by enjoining him from filing future actions in the Southern District of Texas until he presents evidence that he has paid a $5,000 sanction imposed by another district judge in connection with the dismissal of a prior federal action in which Julien alleged violations of his constitutional rights arising out of the above-described state court proceedings.

II.

We review *de novo* a dismissal for lack of subject matter jurisdiction. *E.g.*, ***Musslewhite v. State Bar of Texas***, 32 F.3d 942, 945 (5th Cir. 1994). The district court applied the ***Rooker/Feldman*** doctrine, which "directs that federal district courts lack jurisdiction to entertain collateral attacks on state court judgments".[2] ***Liedtke v. State Bar of Texas***, 18 F.3d 315, 317 (5th Cir.), *cert. denied*, ___ U.S. ___, 115 S. Ct. 271 (1994).

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[2] *See* ***Rooker v. Fidelity Trust Co.***, 263 U.S. 413 (1923); ***District of Columbia Court of Appeals v. Feldman***, 460 U.S. 462 (1983).

Julien's civil rights claims are inextricably intertwined with the state court proceedings, as is evidenced by the following statement in his response to Rodgers' motion to dismiss:

> The case at bar is in more the nature of a review of the state courts' determinations than a trial *de novo* to relitigate the same earlier issues. Nonetheless, to exercise such a review, repetitions of earlier issues are clearly unavoidable.

See ***United States v. Shepherd***, 23 F.3d 923, 924 (5th Cir. 1994) (internal quotation marks, footnote, and citations omitted) ("If the district court is confronted with issues that are inextricably intertwined with a state judgment, the court is in essence being called upon to review the state-court decision, and the originality of the district court's jurisdiction precludes such a review.").

Although Julien's complaint couches his claims in terms of violations of his civil rights as the result of the defendants' individual and conspiratorial acts in the state court proceedings, his claims cannot be evaluated without reviewing the propriety of the state court decisions. "It is a well-settled principle that a plaintiff may not seek a reversal in federal court of a state court judgment simply by casting his complaint in the form of a civil rights action." ***Reed v. Terrell***, 759 F.2d 472, 473 (5th Cir.), *cert. denied*, 474 U.S. 946 (1985).

Julien contends that the ***Rooker/Feldman*** doctrine is inapplicable because the state trial court had no jurisdiction to conduct the hearing on the contest to his sworn assertion of inability to pay state appellate court costs because the document, modified and signed by Rodgers, was not an affidavit and was

untimely. But, even if the state court acted improperly in considering that document, such impropriety would not make the judgment void. *See* ***Liedtke***, 18 F.3d at 317 ("If a state trial court errs the judgment is not void, it is to be reviewed and corrected by the appropriate state appellate court."). As noted, Julien unsuccessfully sought mandamus relief with respect to that ruling.

Because Julien's claims are, in essence, a collateral attack on the state court proceedings, the district court held correctly that it lacked subject-matter jurisdiction pursuant to the ***Rooker-Feldman*** doctrine.

III.

For the foregoing reasons, the judgment is

AFFIRMED.