

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-30089  
Conference Calendar

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ROBERT HAMILTON,

Plaintiff-Appellant,

versus

A. CLAYTON JAMES, Judge,  
22nd Judicial District Court,  
St. Tammany Parish,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CA-93-3657-E  
- - - - -  
(September 20, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

In his civil rights complaint, Robert Hamilton named as defendant, Judge A. Clayton James, of the 22nd Judicial District Court for the Parish of St. Tammany, State of Louisiana. Hamilton alleged that Judge James had refused to require the clerk of court to provide him with a copy of the criminal record of an officer who had investigated the criminal matter for which

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Hamilton is incarcerated. Because Hamilton is indigent, he contended that he should have been provided with the documents free of charge. He asked the district court to order the state court to provide him with a copy of the records requested in order that he would have an opportunity to cross-examine the investigating officer.

"Dismissal of an in forma pauperis petition under 28 U.S.C. § 1915(d) is appropriate if the district court is satisfied that the action is frivolous or malicious. An action is frivolous if it lacks an arguable basis either in law or in fact. Graves v. Hampton, 1 F.3d 315, 317 (5th Cir. 1993) (internal quotations omitted). This Court reviews § 1915(d) dismissals for abuse of discretion. Id.

Judge James is absolutely immune from suit and the district court had no power to direct state officials in the performance of their functions. See Graves, 1 F.3d at 317 (Judicial officers are entitled to absolute immunity from damage actions under § 1983 arising out their acts performed within the scope of their judicial function.); Moye v. Clerk, DeKalb County Superior Court, 474 F.2d 1275, 1276 (5th Cir. 1973) (Federal courts lack "the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought."). Because Hamilton's claim is based upon an indisputably meritless legal theory, see Graves, 1 F.3d at 317, and because no amendment or subsequently paid filing could overcome the defect, the district court properly dismissed the claim against Judge James as frivolous.

The district court found that Hamilton was also seeking habeas relief but that he had failed to demonstrate exhaustion of his state habeas remedies. The district court did not abuse its discretion in dismissing Hamilton's habeas claims without prejudice. See Union City Barge Line, Inc. v. Union Carbide Corp., 823 F.2d 129, 135 (5th Cir. 1987) (district court has broad discretion to control its own docket). This opinion is without prejudice to Hamilton's right to pursue whatever habeas remedies he may have.

AFFIRMED.