

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60757
Summary Calendar

Gary Lee Moore,

Plaintiff-Appellant,

versus

Joyce Aycock,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Mississippi
(1:92CV247-D-D)

November 2, 1995

Before THORNBERRY, JOLLY and BEANVIDES, Circuit Judges.

Per Curiam:*

Gary Lee Moore, Appellant, is an inmate incarcerated in the Mississippi State Penitentiary. He appeals the dismissal of his *pro se informa pauperis* 42 U.S.C. § 1983 complaint. We affirm.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

DISCUSSION

Moore filed a patently frivolous suit in state court against a Mississippi state court judge. When service of process did not issue, he filed the instant 42 U.S.C. § 1983 action in the district court against Joyce Aycock, the Circuit Clerk of Clay County, Mississippi, alleging her failure to serve summons on the state judge violated Moore's access to the courts.

The magistrate judge and the district court judge found that the federal suit was frivolous, that Moore did not comply with Rule 4 of the Mississippi Rules of Civil Procedure with respect to the designation of the type of service to be made¹; that the suit against Aycock alleged only negligence and, thus, could not support a section 1983 action; and that Aycock enjoyed quasi-judicial immunity for her alleged deficiencies in carrying out her duties as clerk of the circuit court.

We have examined the record and find Moore's federal suit frivolous. We reject Moore's claims on appeal in that no reversible error has been shown to have been committed by the district court.

AFFIRMED.

¹ Moore has continually refused to designate service pursuant to Rule 4, despite being provided with a form and after being advised that service would issue upon his proper designation.