

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-10900  
Conference Calendar

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WILLIE LOUIS EVERITT,

Plaintiff-Appellant,

versus

EVERETT YOUNG, Judge, 297th District Court,  
Tarrant County, Texas,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CV-573-Y  
- - - - -

April 18, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

This is an appeal from the district court's dismissal of appellant's 42 U.S.C. § 1983 action as frivolous under 28 U.S.C. § 1915(d). Appellant argues that the state court judge failed to provide him with a trial record and transcript, thereby denying him access to the courts. Appellant seeks damages and declaratory and injunctive relief requiring appellee to provide him with the trial record and transcripts because he is indigent. "Judicial officers are entitled to absolute immunity from claims

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Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

for damages arising out of acts performed in the exercise of their judicial functions." Boyd v. Biggers, 31 F.3d 279, 284 (5th Cir. 1994). Appellant's claim for declaratory and injunctive relief amounts to a request for a writ of mandamus against a state official which is not authorized by § 1983. See Moye v. Clerk, DeKalb County Superior Court, 474 F.2d 1275, 1276 (5th Cir. 1973).

We have reviewed the record, the district court's opinion and appellant's brief, and conclude that appellant has failed to raise a constitutional issue. Appellant's appeal is frivolous and is DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); see 5th Cir. R. 42.2. We caution appellant that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, appellant is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.