

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30307  
Conference Calendar

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ROBERT SUTER,

Plaintiff-Appellant,

versus

JEFFERSON PARISH JUVENILE  
COURT DIVISION "B"; THOMAS MCGEE,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 95-CV-278 A

- - - - -  
December 21, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Robert Suter brought a civil rights complaint against Louisiana Juvenile Court Judge, Thomas McGee, alleging that Judge McGee had improperly conducted a custody hearing in which he apparently removed from Suter's custody two of his children. Suter argued that, because he was a resident of Utah at the time of the custody proceeding, Judge McGee either was without

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\* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

jurisdiction to preside over the case or should have transferred the case somehow to a court in Utah.

Although the district court reached the merits and determined that the claims were legally frivolous based on the absolute immunity of judicial officers, this court AFFIRMS based on the district court's lack of subject matter jurisdiction. Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923); Chrissy F. by Medley v. Mississippi Dept. of Public Welfare, 995 F. 2d 595, 597, 599 (5th Cir. 1993), cert. denied, 114 S. Ct. 1336 (1994); see also Bickford v. Int'l Speedway Corp., 654 F.2d 1028, 1031 (5th Cir. 1981) (this court may affirm on grounds different from those employed by the district court). Accordingly, Suter's motions to compel discovery, for temporary custody, for expedited review, and for extraordinary relief are DENIED. Suter is WARNED that the filing of frivolous appeals in the future will result in the imposition of sanctions.

AFFIRMED.