

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 96-20572
Summary Calendar

EARL TAYLOR, JR.,

Plaintiff-Appellant,

VERSUS

JOHN M. BIRHUNKO, DOUG SHAVER, Judge, and DOUGLAS M. DURHAM,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-96-591)

December 6, 1996

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Earl Taylor appeals the dismissal, as frivolous under 28 U.S.C. § 1915(d), of his 42 U.S.C. § 1983 prisoner's civil rights complaint. We dismiss the appeal as frivolous.

Taylor's allegations call into question the validity of his confinement and are barred by *Heck v. Humphrey*, 114 S. Ct. 2364 (1994). Moreover, the state judge is entitled to absolute

Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

immunity. Accordingly, the appeal is DISMISSED as frivolous. See
5TH CIR. R. 42.2.