

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-31185
Summary Calendar

RUSTY SMITH

Plaintiff-Appellant,

versus

LOUIS A. DIROSA, Judge, Orleans Civil District
Court Division "D"

Defendant-Appellee.

Appeal from the United States District Court
For the Eastern District of Louisiana
(95-CV-4069-N)

June 27, 1997

Before POLITZ, Chief Judge, KING and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Rusty Smith appeals the summary judgment dismissing his § 1983 action against Orleans Parish Civil District Court Judge Louis DiRosa on the basis of judicial immunity. Smith has failed to demonstrate any action by Judge DiRosa that was not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

“judicial in nature” or that was completely outside the scope of his jurisdiction.¹ *See Malina v. Gonzales*, 994 F.2d 1121, 1124 (5th Cir. 1993). The district court did not err in finding that Judge DiRosa is protected by the doctrine of judicial immunity.

Smith’s Motion for Permission to Include Record Excerpts in Addendum to Reply Brief is DENIED.

AFFIRMED.

¹Even assuming that the pendency of a bankruptcy proceeding would fit within this limited lack-of-jurisdiction exception to judicial immunity, Smith’s claims still fail. The record clearly indicates that no bankruptcy proceedings were pending at any relevant time. *See* R. Vol. 2 at 607 (order closing bankruptcy case); R. Vol. 2 at 611(motion to reopen bankruptcy case); R. Vol. 2 at 620 (motion to reopen case denied).