

IN THE UNITED STATES -COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10720  
Conference Calendar

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CHARLES EDWARD MOORE,

Plaintiff-Appellant,

versus

ED KING, Judge; ALYSIA ANN HEROD; U.S. ATTORNEY;  
JOHN HEROD, III; ASHLEY HEROD; MARY ELLEN YOUNG,

Defendants-Appellees,

JOHN MOORE,

Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:98-CV-682-P  
- - - - -

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Charles Edward Moore, Texas prisoner #824496, appeals from the dismissal of his civil rights complaint filed pursuant to 42 U.S.C. § 1983 alleging that the defendants violated his federal constitutional rights under color of state law. Moore has failed to allege that the district court erred by dismissing his claims as to all of the defendants except Judge King and Judge Young. He has abandoned his appeal as to these unargued claims. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Moore's remaining claims lack arguable merit because they are barred by the doctrine of judicial immunity or fail to allege a violation of Moore's federal constitutional rights. See Mays v. Sudderth, 97 F.3d 107, 110-11 (5th Cir. 1996)(judges have absolute immunity for judicial acts performed in judicial proceedings even if the action taken was in error, done maliciously, or exceeded his authority, unless the act was taken in the clear absence of all jurisdiction).

Moore's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2. Moore's motions for appointment of counsel, a temporary restraining order, and declaratory relief are DENIED.

APPEAL DISMISSED; MOTIONS DENIED.