

United States Court of Appeals for the Fifth Circuit

No. 24-10442
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 15, 2024

Lyle W. Cayce
Clerk

ALLEN F. CALTON,

Plaintiff—Appellant,

versus

JUDGE CHRIS WOLFE,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CV-283

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Allen F. Calton, Texas prisoner # 1123880, filed a 42 U.S.C. § 1983 complaint alleging that he was denied access to the court when Judge Chris Wolfe of the 213th Judicial District Court in Texas refused to take any action on a pleading that Calton insisted was a petition for a federal writ of habeas corpus filed under 28 U.S.C. § 2241. The federal district court screened the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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complaint and dismissed it as frivolous under 28 U.S.C. § 1915A(b)(1). After the district court denied a postjudgment motion to amend his complaint, a motion to alter or amend under Federal Rule of Civil Procedure 59(e), and a motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(1) and (6), Calton timely appealed. He challenges each of the district court's rulings.

Having carefully reviewed this matter, we conclude that the district court correctly dismissed Calton's § 1983 complaint as frivolous. *See* 28 U.S.C. § 1915A(b)(1); *Pratt v. Harris Cnty., Tex.*, 822 F.3d 174, 180 (5th Cir. 2016); *Morris v. McAllester*, 702 F.3d 187, 189 (5th Cir. 2012); *Brewster v. Dretke*, 587 F.3d 764, 769 (5th Cir. 2009); *Chriceol v. Phillips*, 169 F.3d 313, 317 (5th Cir. 1999). We further conclude that the district court did not abuse its discretion in denying Calton's postjudgment motion to amend his complaint, his Rule 59(e) motion, or his Rule 60(b) motion. *See* FED. R. CIV. P. 15(a)(2); *Johnson v. Harris Cnty.*, 83 F.4th 941, 947 (5th Cir. 2023); *Rosenzweig v. Azurix Corp.*, 332 F.3d 854, 864 (5th Cir. 2003); *Rourke v. Thompson*, 11 F.3d 47, 51 (5th Cir. 1993); *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, 402 (5th Cir. 1981).

Accordingly, we AFFIRM the judgment of the district court, and we DENY AS MOOT Calton's motion to expedite this appeal.