

FILED

August 17, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-21193
Conference Calendar

RONALD X. GORDON,

Plaintiff-Appellant,

versus

ANNA MARIE MADISON,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-03-CV-2960

Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:*

Ronald X. Gordon appeals the dismissal of his complaint as barred by the Rooker-Feldman** doctrine. Gordon's complaint, which sought to appeal the Texas Supreme Court's decision in Madison v. Gordon, 39 S.W.3d 604 (Tex. 2001), did not raise a cognizable federal claim because under the Rooker-Feldman doctrine, federal district courts are prohibited from reviewing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

** District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476, 482 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415 (1923).

or nullifying final state court judgments. See Union Planters Bank Nat'l Ass'n v. Salih, 369 F.3d 457, 462 (5th Cir. 2004).

Insofar as Gordon alleges that the Texas Supreme Court's judgment was void for lack of jurisdiction, he must appeal that issue to the United States Supreme Court if he desires federal review of that ruling. See id. To the extent that Gordon's arguments can be liberally construed as raising a 42 U.S.C. § 1983 claim that he was denied access to the courts, 42 U.S.C. § 1983 does not cover claims against purely private parties, and, therefore, this also is not a cognizable federal claim. See Richard v. Hoechst Celanese Chem. Group, Inc., 355 F.3d 345, 352 (5th Cir. 2003).

Given that Gordon has failed to state a federal claim, the district court did not abuse its discretion in refusing to appoint counsel. See Castro Romero v. Becken, 256 F.3d 349, 353-54 (5th Cir. 2001).

Gordon's appeal is without arguable merit and is therefore dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED; ALL OUTSTANDING MOTIONS DENIED.