

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT **United States Court of Appeals**

**Fifth Circuit**

**FILED**

**September 4, 2007**

Charles R. Fulbruge III  
Clerk

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No. 06-41189  
Summary Calendar

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CLIFFORD ALLEN SMITH

Plaintiff-Appellant

v.

SUZANNE RATCLIFF

Defendant-Appellee

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:06-CV-103

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Before KING, HIGGINBOTHAM, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Clifford Allen Smith, Texas prisoner # 184026, filed the instant 42 U.S.C. § 1983 suit against Judge Suzanne Ratcliff to recover damages for an alleged infringement of his constitutional rights that occurred when Judge Ratcliff denied his request for a continuance during a hearing on a motion for a protective order. The district court determined that Judge Ratcliff was entitled to judicial immunity and dismissed Smith's suit as frivolous and for failure to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

state a claim upon which relief could be granted. See 28 U.S.C. § 1915(e)(2). Smith argues that Judge Ratcliff is not entitled to judicial immunity because she was without jurisdiction to consider the motion. Smith also argues that Judge Ratcliff infringed his rights by denying his request for a continuance.

Smith's arguments are unavailing. The disputed acts were judicial in nature. See *Malina v. Gonzales*, 994 F.2d 1121, 1124 (5th Cir. 1993). Further, Judge Ratcliff was not completely without jurisdiction to consider the motion. See *id.* Judge Ratcliff is thus entitled to judicial immunity. See *id.*

Smith has shown no error in the judgment of the district court. Consequently, that judgment is AFFIRMED.