

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20327  
Conference Calendar

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JOHNNIE JONES; HARVELLA JONES,

Plaintiffs-Appellants,

versus

THE STATE OF TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-96-CV-1621  
- - - - -

February 11, 1998  
Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Johnnie and Harvella Jones request permission to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of their 42 U.S.C. § 1983 lawsuit against the State of Texas. The Joneses contend that the district court did not lack subject-matter jurisdiction to consider their § 1983 claims.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Joneses' § 1983 claims are "inextricably intertwined" with a state judgment, and the district court was "in essence being called upon to review the state-court decision." See United States v. Shepherd, 23 F.3d 923, 924 (5th Cir. 1994). Federal courts lack jurisdiction to engage in appellate review of state court determinations. 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).

Furthermore, the Joneses' civil rights lawsuit against the State of Texas is barred by the Eleventh Amendment. The Supreme Court has consistently held that the Eleventh Amendment confers absolute immunity on an unconsenting state from suits brought in federal court by the state's own citizens. Puerto Rico Aqueduct and Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 144 (1993).

The Joneses have failed to show that they will present a nonfrivolous issue on appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). Accordingly, permission to proceed IFP is DENIED and the appeal is DISMISSED. See 5TH CIR. R. 42.2.

MOTION DENIED; APPEAL DISMISSED.