

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41199
Conference Calendar

DAVID L. KINSER,

Plaintiff-Appellant,

versus

D. MATT LIVINGSTON,
County Court at Law Judge,
Henderson County, Texas,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:98-CV-212
- - - - -

August 25, 1999

Before KING, Chief Judge, and DAVIS and SMITH, Circuit Judges.

PER CURIAM:*

David L. Kinser appeals from the district court's grant of summary judgment for the defendant in Kinser's civil rights suit. Kinser argues that the district court erred by determining that the defendant was absolutely immune from suit pursuant to the doctrine of judicial immunity. We have reviewed the record and find no reversible error. Judicial officers are entitled to absolute immunity from damages in civil actions arising out of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

acts performed in the exercise of their judicial functions.

Graves v. Hampton, 1 F.3d 315, 317 (5th Cir. 1993).

Kinser's appeal is without arguable merit and, thus, 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. Kinser is warned that pursuing future frivolous appeals will invite the imposition of sanctions.