

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20403
Summary Calendar

JOHNNIE MAE JONES; HARVELLA JONES,

Plaintiffs-Appellants,

versus

SHEARN SMITH, (State District Court No. 61st);
DAVID WEST, (State District Court No. 269th),
JEFFREY H. EWALT, Esq.; DAVID B. DICKINSON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-4368
- - - - -

May 4, 1998

Before WIENER, BARKSDALE and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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. We caution the Joneses that any additional frivolous appeals filed by them will invite the imposition of sanctions. To avoid sanctions, the Joneses are further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.