

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10679
Summary Calendar

ROBERT W. HUDSON,

Plaintiff-Appellant,

versus

BILL LONG,
DISTRICT CLERK OF DALLAS COUNTY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:98-CV-912-P
- - - - -

January 14, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Robert W. Hudson, Jr., Texas prisoner No. 550733, moves this court for appointment of appellate counsel to appeal the district court's dismissal of his civil rights complaint as frivolous. The motion for appointment of counsel is DENIED.

The district court did not err in denying Hudson's requests for mandamus relief. See Moya v. Clerk, DeKalb County Superior Court, 474 F.2d 1275, 1276 (5th Cir. 1973); 28 U.S.C. § 1361. We AFFIRM the dismissal of Hudson's claim for monetary damages

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

because our review of the record shows that the underlying claims that Hudson wished to raise in state court were frivolous. See Ruiz v. United States, No. 97-20950, 1998 WL 770642, at *2 (5th Cir. Nov. 20, 1998). The district court lacked the authority to assume jurisdiction over Hudson's attempts to modify the terms of a state-court child custody order. Ankenbrandt v. Richards, 504 U.S. 689, 703-04 (1992).

AFFIRMED; MOTION FOR COUNSEL DENIED.