

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50968
Summary Calendar

JOHN TOM HIGGINS, III,

Plaintiff-Appellant,

versus

LARRY ALLISON, In His Individual and Official Capacities; ET AL.,

Defendants,

LARRY ALLISON, In His Individual and Official Capacities,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-98-CV-740-JN

June 21, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

John Tom Higgins, III, appeals the district court's dismissal of his 42 U.S.C. § 1983 claim that he was maliciously prosecuted in violation of his constitutional rights. Higgins contends that Allison was not entitled to absolute immunity following his recusal.

Allison is entitled to absolute immunity because each of his alleged acts was intimately associated with the judicial phase 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

the criminal process. See Kerr v. Lyford, 171 F.3d 330, 336 (5th Cir. 1999).

AFFIRMED.