

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 05-1141

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James E. Horvath,

Appellant,

v.

Mavis Neal, individually, and in conspiracy with the other defendants; William F. Smith, also known as Trey Smith, individually, and in his official capacity as City Attorney for City of Russellville; Raye Turner, individually, and officially as representatives of City of Russellville, which includes Mayor, and members of City Council of Russellville; Cliff Kirchner, individually, and officially as representatives of City of Russellville, which includes Mayor, and members of City Council of Russellville; Robert Wiley, individually, and officially as representatives of City of Russellville, which includes Mayor, and members of City Council of Russellville; Faye Abernathy, individually, and officially as representative of City of Russellville, which includes Mayor, and members of City Council of Russellville; Rick Harrell, individually, and officially as representatives of City of Russellville, which includes Mayor, and members

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Arkansas.  
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\* [UNPUBLISHED]



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Submitted: September 7, 2005  
Filed: November 7, 2005

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Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

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PER CURIAM.

James E. Horvath appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action. After de novo review, see Charchenko v. City of Stillwater, 47 F.3d 981, 982-83 (8th Cir. 1995), we affirm because Horvath's claims were barred either by the Rooker-Feldman<sup>2</sup> doctrine, see Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 125 S. Ct. 1517, 1523, 1526 & n.8 (2005) (Rooker-Feldman doctrine recognizes that with the exception of habeas corpus petitions, 28 U.S.C. § 1331 does not allow district courts appellate jurisdiction over state-court judgments), or by res judicata, see id. at 1527 (federal court has to give same preclusive effect to a state-court judgment as another court of that State would give); Wells v. Ark. Pub. Serv. Comm'n, 616 S.W.2d 718, 719 (Ark. 1981) (elements of res judicata). See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

<sup>2</sup>See Rooker v. Fid. Trust Co., 263 U.S. 413 (1923); D.C. Ct. of Appeals v. Feldman, 460 U.S. 462 (1983).