

**FILED**

June 28, 2004

Charles R. Fulbruge III  
Clerk

**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

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No. 01-20245

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ATLAS GLOBAL GROUP, L.P.,

Plaintiff-Counter Defendant-Appellant,

and

OSCAR ROBLES-CANON, officer with Atlas Global Group;  
FRANCISCO LLAMOSA, officer with Atlas Global Group,

Counter Defendants-

Appellants,

versus

GRUPO DATAFLUX,

Defendant-Counter Claimant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas

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**ON REMAND FROM THE UNITED STATES SUPREME COURT**

(Opinion November 22, 2002, 5<sup>th</sup> Cir. 2002, 312 F.3d 168)

Before EMILIO M. GARZA, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, the United States Supreme Court by an Opinion entered May 17, 2004, in 124 S.Ct. 1920, 2004 WL 1085232, 2004 Daily Journal D.A.R. 5878, held that a party's postfiling change in citizenship resulting in complete diversity cannot cure a lack of subject-matter jurisdiction that existed at the time of filing in a diversity action, and therefore reversed the judgment of this Court which had reversed the action of the district court. Accordingly, we vacate the prior decision of this Court (312 F.3d 168) and

remand this case to the district court for entry of an order dismissing this case for lack of subject-matter jurisdiction.