

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10188
Summary Calendar

FRANK J. STANGEL, ET AL.,

Plaintiffs,

FRANK J. STANGEL; GAIL A. CORRENTI,

Plaintiffs-Appellants,

versus

A-1 FREEMAN NORTH AMERICAN, INC., Etc.; ET AL.,

Defendants,

A-1 FREEMAN NORTH AMERICAN, INC., Agent for North American
Van Lines, an Oklahoma Corporation,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:01-CV-2200-L)

November 12, 2002

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Plaintiffs Frank J. Stangel and Gail A. Correnti, *pro se*, appeal the district court's order remanding their case to state court (plaintiffs had removed it to district court) and awarding A-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1 Freeman North American, Inc. (A-1), \$2,639.15 in attorney's fees and costs.

Because the district court determined that it did not have subject matter jurisdiction over the controversy, this court lacks jurisdiction. The appeal must be **DISMISSED IN PART**. See 28 U.S.C. § 1447(c) & (d); see also, e.g., *Heaton v. Monogram Credit Card Bank of Ga.*, 231 F.3d 994, 997 (5th Cir. 2000), cert. denied, 533 U.S. 915 (2001).

Because Stangel and Correnti have not shown that the district court abused its discretion in awarding attorney's fees and costs, see *Valdes v. Wal-Mart Stores, Inc.*, 199 F.3d 290, 292 (5th Cir. 2000), that ruling is **AFFIRMED**.

Stangel and Correnti's motion to "supplement, modify and clarify the record" is **DENIED**. See *Theriot v. Parish of Jefferson*, 185 F.3d 477, 491 n.26 (5th Cir. 1999).

DISMISSED IN PART AND AFFIRMED IN PART; MOTION DENIED