

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-11044  
Summary Calendar

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DAVID SELVER,

Plaintiff-Appellant,

versus

FORD MOTOR CREDIT CO.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:02-CV-1667  
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January 24, 2003

Before JOLLY, JONES and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

David Selver, # 160221, moves for leave to proceed in forma pauperis (IFP) and challenges the district court's certification that his appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a); Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Selver challenges the district court's determination that diversity of citizenship between the parties was lacking. See 28 U.S.C. § 1332. Selver repeatedly alleged in

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 district court and he argues on appeal that the sole named defendant, the Ford Motor Credit Company, is a Texas company; Selver does not dispute that he is a Texas resident. Selver failed to allege sufficient facts in his pleadings establishing diversity of citizenship. The district court properly dismissed the action for lack of subject matter jurisdiction. See Getty Oil Corp., a Div. of Texaco, Inc. v. Insurance Co. of N. America, 841 F.2d 1254, 1258 (5th Cir. 1988); Stafford v. Mobil Oil Corp., 945 F.2d 803, 804-06 (5th Cir. 1991).

Selver's appeal is without arguable merit and is frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Selver's IFP motion is denied, and the appeal is dismissed.

IFP DENIED; APPEAL DISMISSED. 5TH CIR. R. 42.2.