

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40793
Summary Calendar

JAMES PHILLIP HARRISON,

Plaintiff-Appellant,

versus

JOHN E. SHERMAN,
Attorney at Law,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:93-CV-211
- - - - -

June 12, 1998

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:*

James Phillip Harrison, federal prisoner # 74580-012, appeals the dismissal for lack of subject matter jurisdiction of his federal complaint on the ground that diversity of citizenship was lacking under 28 U.S.C. § 1332(a)(1). Harrison has not demonstrated plain error with respect to his argument that the district court erred in dismissing his complaint for lack of diversity of citizenship. See Highlands Ins. Co. v. National

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Union Fire Ins. Co. of Pittsburgh, 27 F.3d 1027, 1031-32 (5th Cir. 1994); Mas v. Perry, 489 F.2d 1396, 1399 (5th Cir. 1974); see Stine v. Moore, 213 F.2d 446, 448 (5th Cir. 1954). Nor has Harrison demonstrated plain error with respect to his argument that he was entitled to notice prior to the magistrate judge's dismissal of his complaint. See Stanley v. Central Intelligence Agency, 639 F.2d 1146, 1159 (5th Cir. 1981).

AFFIRMED.