

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50142
Summary Calendar

FREDERICK COLLINS FERMIN,
and on behalf of the Estate of Petra V. Fermin,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-97-CV-1159
- - - - -

May 7, 1998

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:*

Frederick Collins Fermin, a World War II veteran, proceeding pro se, seeks to appeal the district court's dismissal, for lack of subject matter jurisdiction, of his complaint alleging due process violations and negligence in the handling of his claim for veteran's benefits. Fermin has filed a motion asking this court to determine if his appeal is frivolous.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 did not err in dismissing Fermin's complaint for lack of subject matter jurisdiction. 38 U.S.C. § 511; Zuspann v. Brown, 60 F.3d 1156, 1158 (5th Cir. 1995). We hereby grant Fermin's motion and dismiss the appeal as frivolous. 5th Cir. R. 42.2.

APPEAL DISMISSED.