

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30115
Summary Calendar

CAROLYN J. SMITH,

Plaintiff-Appellant,

versus

CHARLES H. FAUCHEUX, Doctor; STATE OF LOUISIANA MEDICAL REVIEW
PANEL; ST. ANNE GENERAL HOSPITAL,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 98-CV-558-B

August 31, 1999

Before JOLLY, JONES and BENAVIDES, Circuit Judges.

PER CURIAM:^{*}

Carolyn J. Smith appeals the district court's dismissal of her case for lack of subject matter jurisdiction. She alleges that the district court erred by denying her "due process of law rights" and departing from the Federal Rules of Civil Procedure and criminal procedure guidelines.

The record in this case reveals that both Ms. Smith and all of the defendants named are domiciled in the state of Louisiana. As such, subject matter jurisdiction cannot be based on diversity of

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

citizenship. See 28 U.S.C. § 1332; *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 829, 109 S.Ct. 2218, 2221 (1989). Ms. Smith's attempts to establish some sort of federal question in her brief are devoid of merit; essentially, her claims boil down to a simple medical malpractice case. See 28 U.S.C. § 1331. Because Ms. Smith has established neither diversity of citizenship nor a federal claim, the district court did not err in dismissing the case as to all defendants.

AFFIRMED.