

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40740  
Summary Calendar

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PEDRO MUNOZ, ET AL.,

Plaintiffs,

ORALIA MUNOZ,

Plaintiff-Appellant,

versus

STATE FARM INSURANCE COMPANY; CARRIE TOUSANT;  
JAIME ZAPATA, JR.; SCOTT A. KEMP,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-99-CV-42  
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March 3, 2000

Before JONES, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Pedro and Oralia Munoz appeal the district court's sua sponte dismissal of this civil action for lack of federal subject-matter jurisdiction. They argue that the district court had diversity jurisdiction because they are citizens of Texas and State Farm Lloyd's principal place of business is in Illinois and because the amount in controversy exceeds \$50,000. Because the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Munozes named other nondiverse parties, including Carrie Tousant, Jaime Zapata, Jr., and Scott A. Kemp, the district court did not err in dismissing the civil action for lack of federal subject-matter jurisdiction. See Owen Equip. and Erect. Co. v. Kroger, 437 U.S. 365, 373 (1978); Whalen v. Carter, 954 F.2d 1087, 1094 (5th Cir. 1992). The Munozes' appeal is without merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, the appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2.

APPEAL DISMISSED AS FRIVOLOUS.