

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50416
Summary Calendar

JOHN DOE,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-00-CA-349-DB

December 18, 2001

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

PER CURIAM:*

John Doe appeals the dismissal for lack of jurisdiction of his Federal Tort Claims Act claims for quantum meruit based on his alleged service to the Government as a confidential informant. Under Texas law, recovery under the theory of quantum meruit is considered recovery on a quasi-contract or a contract implied in law. See Lone Star Steel Co. v. Scott, 759 S.W.2d 144, 154 (Tex. App. 1988). The FTCA is a limited waiver of sovereign immunity for certain types of tort actions. See Laird v. Nelms, 406 U.S. 797, 798-99 (1972). Doe's complaint does not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sound in tort, and the district court had no jurisdiction to hear his claim under the FTCA. See Davis v. United States, 961 F.2d 53, 56 (5th Cir. 1991). The decision of the district court is AFFIRMED.