

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20259
Conference Calendar

EDWARD ROY NEWSOME,

Plaintiff-Appellant,

versus

JOHN JOSEPH SUTTER, Attorney,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-4556

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Edward Roy Newsome, Texas state prisoner #437698, appeals the district court's dismissal of his complaint for lack of subject matter jurisdiction. In the complaint, Newsome alleged claims of legal malpractice and breach of contract against an attorney, John Joseph Sutter, retained by him to litigate a personal injury claim. Newsome does not challenge the district court's determination that both he and Sutter were domiciled in

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 same state. Because Newsome has established neither diversity of citizenship nor a federal claim, the district court did not err in dismissing the suit for lack of jurisdiction. See 28 U.S.C. §§ 1331, 1332.

Newsome's motion entitled "Motion for Freedom of Information Act" is DENIED.

AFFIRMED; MOTION DENIED.