

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50024
(Summary Calendar)

LISA MARIE SMITH, also known as
LISA MARIE GENSKOW,

Plaintiff-Appellant,

versus

ERIC DEMOSENEEDS ARNOLD; REBECCA K.
ARNOLD,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(A-01-CV-64-SS)

June 20, 2002

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Lisa Marie Smith appeals the district court's dismissal of her multifaceted suit against Defendants-Appellees, Eric Demoseneeds Arnold and Rebecca K. Arnold, husband and wife, arising from and connected with domestic litigation in the States of Washington and Texas over custody and related matters implicating the minor natural child of Ms. Smith and Mr. Arnold

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(Mrs. Arnold was earlier dismissed for lack of personal jurisdiction, and Ms. Smith has not appealed that ruling). Many of the claims asserted by Ms. Smith are grounded in tort but relate in principal part to Mr. Arnold's unilateral removal of the child from Texas, where the child was present following his earlier unilateral removal from Washington by Ms. Smith. The district court rendered a take-nothing judgment on Ms. Smith's tort claims and dismissed her remaining claims for lack of subject matter jurisdiction. The court grounded its dismissal in the domestic relations exception to diversity jurisdiction, citing, inter alia, Barber v. Barber, 62 U.S. (21 How) 582 (1859) and Rykers v. Alford, 832 F.2d 895 (5th Cir. 1987). In the alternative, the district court noted additional legal bases for rejecting Ms. Smith's claims, including time bar and Mr. Arnold's prior discharge in bankruptcy.

We have carefully considered the pertinent parts of the record in this case and the arguments advanced by able counsel in their appellate briefs, examining the findings of fact of the district court for clear error and its legal rulings de novo. As a result, we are satisfied that the district court is correct in all respects and should be affirmed for the reasons set forth in its comprehensive Order of December 5, 2001.

AFFIRMED.

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