

November 13, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60223

TONY L OWENS, Individually and on Behalf of All Others Similarly Situated,

Plaintiff - Appellee,

versus

PHILADELPHIA AMERICAN LIFE INSURANCE CO.,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
(No. 1:00-CV-509)

Before SMITH, BARKSDALE, and CLEMENT, Circuit Judges.

PER CURIAM:^{*}

This proposed class action was filed in federal court based on diversity jurisdiction. Because both parties concede that the named Plaintiff cannot satisfy the amount in controversy requirement, 28 U.S.C. § 1332(a), and because we have no basis to doubt this,

^{*} Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

we VACATE the order of certification and REMAND for dismissal for want of jurisdiction.