

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-20451
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 10, 2014

Lyle W. Cayce
Clerk

EMMA E. DU BOIS,

Plaintiff–Appellant,

v.

BRENDA DUBOIS BRADLEY; GAIL CARR; VICKI CERNA–BELL; NAOMI
CLAYBON; ARTHUR CLAYBON, JR.; NORMA DIAZ; MUHAMMED
IFRAN; KEVIN C. JOHNSON; DEBRA KENERSON; GAIL JOHNSON
LEBLANC; ABBAS LOKHANDWALA; DEBRA MARDIS; JEFFREY
WILSON, SR.,

Defendants–Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:13-CV-00252

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Plaintiff–Appellant Emma E. Du Bois appeals the district court’s dismissal of her lawsuit for lack of subject matter jurisdiction and denial of her motion for leave to amend. In her original complaint, Du Bois asserted claims for fraud, breach of fiduciary duty, and violations of 42 U.S.C. §§ 1985 and 1986. Du Bois alleged that Defendants–Appellees had, among other things,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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exerted undue influence over Du Bois's mother in an attempt to alienate Du Bois from her mother and conspired to prevent Du Bois from becoming her mother's guardian. The district court ordered Du Bois to submit a statement of the basis for subject matter jurisdiction over the lawsuit. In response, Du Bois argued that Defendants–Appellees had conspired to deprive her of the equal protection of the laws in violation of § 1985(3) and had violated the First, Ninth, and Fourteenth Amendments to the Constitution. In a thorough memorandum and recommendation, the magistrate judge, noting that Du Bois had conceded that diversity jurisdiction was lacking, concluded that Du Bois was not able to state any claims under federal law and therefore could not establish subject matter jurisdiction. The district court adopted the memorandum and recommendation and further concluded that amending the complaint would be futile.

Having reviewed the record on appeal, including the parties' briefs and the district court's opinion, we are satisfied that the district court correctly dismissed Du Bois's lawsuit for lack of subject matter jurisdiction and acted within its discretion in denying leave to amend. Accordingly, we AFFIRM the judgment of the district court.