

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

No. 16-11314
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2017

Lyle W. Cayce
Clerk

JIMMY L. WILLIAMS,

Plaintiff-Appellant

v.

STATE WIDE CLAIM SERVICE; FORT WORTH TRANSPORTATION
AUTHORITY; MICHELLE DENISE PRICE; PHILLIP HERNANDEZ, Fort
Worth Transportation Authority,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CV-734

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Jimmy L. Williams, Texas prisoner # 01904141 appeals the dismissal of his civil negligence action for lack of subject matter jurisdiction. Williams alleged that, prior to his incarceration, he suffered injuries while he was a passenger on a bus that was involved in a traffic accident.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-11314

The burden is on Williams to show federal jurisdiction. *See Stafford v. Mobil Oil Corp.*, 945 F.2d 803, 804 (5th Cir. 1991). He alleges diversity jurisdiction, but there is no diversity between Williams and any of the defendants, because all of the parties are citizens of Texas. *See* 28 U.S.C. § 1332; *Owen Equip. and Erect. Co. v. Kroger*, 437 U.S. 365, 373 (1978) (noting that § 1332 requires complete diversity of citizenship). Neither Williams nor the record shows any other basis for federal subject matter jurisdiction.

Accordingly the appeal is **DISMISSED AS FRIVOLOUS**. 5TH CIR. R. 42.2. Williams's motion for appointment of counsel is **DENIED**.