

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 3, 2021

Lyle W. Cayce  
Clerk

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No. 20-30269  
Summary Calendar

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KELVIN WELLS,

*Plaintiff—Appellant,*

*versus*

DEPARTMENT OF FAMILY SERVICES; STATE OF LOUISIANA,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:19-CV-526

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Before DAVIS, STEWART, and DENNIS, *Circuit Judges.*

PER CURIAM:\*

Plaintiff-Appellant Kelvin Wells appeals the district court's order dismissing his claims against Defendants-Appellees Department of Family Services and the State of Louisiana for lack of subject-matter jurisdiction. Wells's claims against Defendants-Appellees arise out of alleged violations

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-30269

of his due process and equal protection rights under the Fourteenth Amendment.

“The Eleventh Amendment bars a state’s citizens from filing suit against the state or its agencies in federal courts.”<sup>1</sup> Defendants-Appellees are the state of Louisiana and a state agency—the Department of Family Services—that did not waive their Eleventh Amendment immunity against suits in federal court. Therefore, the district court correctly concluded that the Eleventh Amendment deprived it of jurisdiction over Wells’s claims against Defendants-Appellees.

Accordingly, we AFFIRM the district court’s dismissal of Wells’s claims for lack of subject-matter jurisdiction.

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<sup>1</sup> *Cozzo v. Tangipahoa Par. Council--President Gov’t*, 279 F.3d 273, 280 (5th Cir. 2002) (citation omitted).