

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2331
Conference Calendar

JAMES C. DABNEY,

Plaintiff-Appellant,

versus

TRANSPORT WORKERS UNION LOCAL 260
ET AL.,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 91-3620
- - - - -

May 7, 1993

Before REAVLEY, KING, and DAVIS, Circuit Judges.

PER CURIAM:*

The Labor-Management Disclosure and Reporting Procedure does not apply to labor organizations that represent employees of a political subdivision of a state. See 29 U.S.C. §§ 402(e), (f), and (i). James C. Dabney does not dispute that Transport Workers Union Local 260's membership is comprised solely of employees of the Metropolitan Transit Authority of Harris County, Texas (METRO), or that METRO is a public agency of Harris County,

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Texas, and the City of Houston. Therefore, the Labor-Management Disclosure and Reporting Procedure does not provide federal jurisdiction over his complaint against Transport Workers Union Local 260.

Dabney is a Texas citizen, as are all of the defendants, therefore diversity jurisdiction does not apply. See Strain v. Harrelson Rubber Co., 742 F.2d 888, 889 (5th Cir. 1984). Dabney has not alleged, and an examination of the record does not reveal, any other basis for federal jurisdiction.

The order of the district court dismissing this case is amended so as to reflect that the dismissal is without prejudice, as is appropriate when a case is dismissed for lack of subject matter jurisdiction.

AFFIRMED as amended.