

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10402
Conference Calendar

DONALD WILLIS,

Plaintiff-Appellant,

versus

GENERAL MOTORS CORP.,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-1-6-Y

- - - - -
(September 22, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Donald Willis is not entitled to proceed in forma pauperis (IFP) on appeal of the dismissal of his civil rights suit because his appeal does not present a nonfrivolous legal issue. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986).

The district court dismissed without prejudice Willis's claim because he failed to allege a factual basis for jurisdiction. A dismissal for lack of subject matter jurisdiction will not be affirmed unless it appears certain that the plaintiff cannot prove any set of facts in support of his

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

claim which would entitle him to relief. Hobbs v. Hawkins, 968 F.2d 471, 475 (5th Cir. 1992).

A liberal reading of Willis's complaint, amended complaint, and supporting affidavit shows that he is bringing a claim for a work related injury against his employer. Willis has identified no basis for federal jurisdiction over this matter. The district court did not err in dismissing the case for lack of subject-matter jurisdiction. Willis's motion for IFP presents no issue of arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); Fifth Cir. Rule 42.2.

Willis's motion to appeal IFP is DENIED and the appeal is DISMISSED.