

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20046  
Summary Calendar

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NORMAN HARMON,

Plaintiff-Appellant,

versus

METROPOLITAN TRANSIT AUTHORITY, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Southern District of Texas  
(CA H 93-2119)

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(July 15, 1994)

Before GARWOOD, HIGGINBOTHAM and DAVIS, Circuit Judges.\*

PER CURIAM:

Appellant's brief wholly fails to even approach substantial compliance with this court's rules, contains no citations to the record and fails to address the stated bases for the district court's ruling (or the form of the judgment). The district court concluded that because appellee Metropolitan Transit Authority

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

(MTA) is a "political subdivision" within the meaning of 29 U.S.C. § 152(2) there was no jurisdiction under 29 U.S.C. § 185 of the suit against it. This conclusion is required by our holding in *Nobles v. Metropolitan Transit Authority*, No. 92-2931, 5th Cir. January 11, 1994 (unpublished). Aside from section 185, no other possible basis of federal court subject matter jurisdiction as to the claims against MTA is shown. As to appellee Local Union No. 260 of the Transport Workers Union of America, AFL-CIO, (the Union), it asserts, and appellant does not deny, that it represents only MTA employees and deals only with MTA, and it would hence not appear to be a "labor organization" under 29 U.S.C. § 152(5), and thus there would appear to be no jurisdiction as to it under section 185, as the district court held, and, again, no other possible basis of federal court subject matter jurisdiction as to the claims against the Union is shown. In any event, the suit was plainly barred by limitations, as the district court alternatively held. Appellant makes a brief passing reference to a prior suit (apparently on the same claims against the same parties, though that is not made clear) having been dismissed without prejudice; but it is settled that a suit dismissed without prejudice does not interrupt the running of the statute of limitations as to a later filed suit, even one on the same claims against the same parties.

Accordingly,

Appellant's "Motion To Prohibit And Reinstate" is DENIED; and  
The district court's judgment is AFFIRMED.