

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40283
Summary Calendar

ELTON DEVILLE,

Plaintiff-Appellant,

versus

LOUISIANA MOTORS, INC., ET AL.,

Defendants-Appellees.

Appeals from the United States District Court
For the Western District of Louisiana
(6:93-CV-1848)

(August 31, 1994)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM*:

Plaintiff-Appellant Elton Deville, a Louisiana resident, appeals the district court's grant of summary judgment in favor of Defendants-Appellees Louisiana Motors, Inc., Randy Smalley, Byron Clark, and Louis B. Mann, each of whom are citizens))for

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

jurisdictional purposes))of Louisiana. As the parties are not diverse, federal courts have no subject matter jurisdiction over this case.¹ Therefore, we AFFIRM the district court's grant of summary judgment for lack of subject matter jurisdiction and assessment of sanctions against Deville for filing harassing and duplicative pleadings against Defendants-Appellees.

Defendants-Appellees request this court to award sanctions against Deville for filing a frivolous appeal.² Their request to assess costs and attorney's fees against Deville is GRANTED. Defendants-Appellees shall submit their proposal for costs and fees within ten days of this order, together with all necessary supporting documents; and shall furnish a copy to Deville, who shall have ten days thereafter in which to file his response, if any.

AFFIRMED.

¹28 U.S.C. § 1332.

²FED. R. APP. P. 38.