

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10460
Summary Calendar

MALVIN EARL PORCHIA, Jr.,

Plaintiff-Appellant,

versus

CENTURY 21; COBY COBHAM,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
(3:96-CV-741-G)
- - - - -

December 20, 1996

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Malvin Earl Porchia appeals the dismissal of his civil rights complaint filed pursuant to 42 U.S.C. § 1983. Porchia has failed to state a cognizable § 1983 complaint because he alleged violations of state law by private citizens. See Manax v. McNamara, 842 F.2d 808, 812 (5th Cir. 1988). The district court lacked subject-matter jurisdiction to hear the complaint. See Getty Oil Corp., Div. of Texaco, Inc. v. Insurance Co. of North

¹ Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Am., 841 F.2d 1254, 1258- 59 (5th Cir. 1988)(the citizenship of all of the plaintiffs must be different from the citizenship of all of the defendants); 28 U.S.C. § 1332(c)(1)(a corporation is a citizen of both its state of incorporation and the state in which it has its principal place of business).

Because the arguments of error are wholly without merit, this appeal is frivolous. Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

We caution Porchia that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Porchia is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING GIVEN.