

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30729
Conference Calendar

MARY ANN LOVELL,

Plaintiff-Appellant,

versus

MIKE WAITS, Vice President; PLANTERS
BANK AND TRUST COMPANY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-1179-T

- - - - -
February 20, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Mary Ann Lovell appeals the district court's granting of defendants' motion to dismiss her complaint, in which she alleged that they had interfered with her duties as an executor to an estate and blocked her access to a safe deposit box. The district court did not err in holding that it lacked subject-matter jurisdiction over Lovell's claims. Lovell has not raised cognizable constitutional claims under 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of Federal Bureau of Investigation,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

403 U.S. 388 (1971), because the defendants are not alleged to have acted under color of either state or federal law. See Morast v. Lance, 807 F.2d 926, 930-31 (5th Cir. 1987). Moreover, Lovell has not invoked the diversity jurisdiction of the court because all of the parties are Louisiana citizens. See Getty Oil Corp., Div. of Texaco, Inc. v. Insurance Co. of North Am., 841 F.2d 1254, 1258-59 (5th Cir. 1988); 28 U.S.C. § 1332.

This appeal is frivolous. It is DISMISSED. See 5th Cir. R. 42.2.