

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-31163
Conference Calendar

MARY ANN LOVELL,

Plaintiff-Appellant,

versus

DAVID NEWELL

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-1209-S
- - - - -

April 16, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Mary Ann Lovell appeals the district court's dismissal without prejudice of her complaint against David Newell for failure to prosecute. Having sua sponte raised the issue of jurisdiction, we AFFIRM the district court's dismissal of the complaint on the basis of Lovell's failure to meet her burden of establishing in her complaint that the district court had jurisdiction over the matter. See Gaar v. Quirk, 86 F.3d 451, 453 (5th Cir. 1996)(sua sponte noticing jurisdictional defect);

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

United States v. Early, 27 F.3d 140, 142 (5th Cir.)(affirming on the alternative basis of lack of jurisdiction), cert. denied, 115 S. Ct. 600 (1994).

AFFIRMED.