

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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98-30460  
Summary Calendar

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JOSEPH WINDED PRICE, through provisional  
curatrix M.M. Veronica Price,

Plaintiff-Appellant,

versus

RYDER SYSTEM INC; RYDER TRUCK RENTAL INC;  
PRUDENTIAL SERVICE BUREAU INC,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(97-CV-2230)

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March 22, 1999

Before EMILIO M. GARZA, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

M.M. Veronica Price (appellant) appeals from a dismissal of her claims brought on behalf of Joseph Winded Price based on the district court's determination that she had not established that she possessed standing to assert a claim on behalf of Joseph Winded Price. In addition, the district court determined that appellant failed to allege facts to support a cognizable legal claim against

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

appellee Prudential Service Bureau, Inc. Concluding that the district court correctly dismissed for lack of standing to assert the claims on behalf of Joseph Winded Price, we affirm the district court's dismissal.

The documents presented by appellant below establish that Marie Merlin Price was the duly appointed provisional curatrix of the allegedly aggrieved party, Joseph Winded Price. The motion to dismiss the standing issue was filed on February 19, 1998, and granted on April 9, 1998. During such time, appellant did not respond to the motion, nor had appellant previously filed documents to show or claim that M.M. Veronica Price was the curatrix for Joseph Winded Price or that M.M. Veronica Price was the same person as Marie Merlin Price. Even appellant's response filed after the district court entered its dismissal order does not provide documents or make a showing that appellant is indeed the duly appointed curatrix of Joseph Winded Price. Nothing in the record below or in this court matter on appeal has been presented to establish appellant's claim that M.M. Veronica Price is the proper party to present Joseph Winded Price's claim in the federal courts. We have no choice but to affirm the judgment of the district court with respect to standing; and as the claims were not properly before the district court, the court should not have made a determination with respect to the failure to state a cognizable claim. The judgment of the district court is modified to delete the alternative basis for dismissal, and as modified is affirmed.

JUDGMENT MODIFIED AND AFFIRMED