

December 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20601
Summary Calendar

DR. ELI NASSAR,

Plaintiff - Appellee,

versus

STEVE ATUAHENE,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of Texas, Houston Division
District Court Cause No. H-03-CV-438

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM*.

On May 30, 2003, the district court remanded the case underlying this appeal to state court. In its order, the district court explained why it did not have subject matter over the case. In response, the defendant-appellant filed a notice of appeal to challenge the remand order. This Court, however, has no jurisdiction to review an order remanding a case for lack of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

subject matter jurisdiction. See 28 U.S.C. § 1447(d); *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 126-29 (1995).

Even if the Court had jurisdiction, the district court properly remanded the case because the plaintiff-appellee's complaint alleges an amount in controversy less than the jurisdictional requirement for a diversity case. Contrary to the complaints in the defendant-appellant's brief, the district court applied the proper legal standards in considering the plaintiff-appellee's motion to remand, and the district court provided the defendant-appellant with ample opportunity to respond to the motion to remand-notably, the thirty days the defendant-appellant requested. The district court recognized that it did not have jurisdiction for any of the reasons set forth in the defendant-appellant's notice of removal. Like the district court, this Court has no jurisdiction over this case. Consequently, this Court DISMISSES the appeal for lack of jurisdiction.

DISMISSED.