

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1555
Conference Calendar

DONALD WILLIS,

Plaintiff-Appellant,

versus

CAROL B. McCOY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CV-344A
- - - - -

May 7, 1993

Before REAVLEY, KING, and DAVIS, Circuit Judges.

PER CURIAM:*

Donald Willis filed a suit in federal court claiming that Carol B. McCoy was subjecting him to malicious libel and slander. Willis gave no specifics concerning the allegations, but did seek relief in the amount of \$500,000. The district court, sua sponte, dismissed the suit without prejudice for failure to allege federal question jurisdiction under 28 U.S.C. § 1331 or diversity jurisdiction under 28 U.S.C. § 1332. Willis filed a notice of appeal on June 15, 1992, and sought leave to proceed in forma pauperis (IFP) on August 6, 1992. The district court

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

denied the IFP motion, finding that Willis had sufficient funds to pay the filing fee.

There is nothing in either the record or Willis's brief to even suggest that the district court erred in dismissing the lawsuit for lack of jurisdiction. As a result, this appeal has no arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Under Fifth Circuit Local Rule 42.2 the Court may dismiss any appeal that is frivolous and entirely without merit. As such, all outstanding motions are denied and the appeal is dismissed.

MOTIONS DENIED; APPEAL DISMISSED.