

United States Court of Appeals
for the Fifth Circuit

No. 25-30717
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 11, 2026

Lyle W. Cayce
Clerk

JIMMY LEE VERNON, JR.,

Plaintiff—Appellant,

versus

EARNESTINE LARK,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:25-CV-1415

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Jimmy Lee Vernon, Jr., California prisoner # P48706, appeals the dismissal, as frivolous under 28 U.S.C. § 1915(e)(2), of his civil action against Earnestine Lark, stemming from the Louisiana succession of his late father's

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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estate. Finding no abuse of discretion by the district court, we affirm. *See Humphries v. Various Fed. USINS Emps.*, 164 F.3d 936, 941 (5th Cir. 1999).

The district court correctly determined that it lacked subject-matter jurisdiction over Vernon's suit. Vernon's complaint did not plead a right to recover under federal law, *see* 28 U.S.C. § 1331; *La. Indep. Pharmacies Ass'n v. Express Scripts, Inc.*, 41 F.4th 473, 478 (5th Cir. 2022), and the record establishes that at the time Vernon filed his complaint, both he and Lark were citizens of California, *see* 28 U.S.C. § 1332; *Storey Mountain, L.L.C. v. JPMorgan Chase Bank, N.A.*, 159 F.4th 294, 295 (5th Cir. 2025). As such, this case presents neither a federal question nor diverse parties. And Vernon cites no authority, nor are we aware of any, predicating state citizenship, for jurisdiction purposes, on a party's being the executor for a decedent resident in the state. *See generally* FED. R. APP. P. 28(a)(8)(A); *Weaver v. Puckett*, 896 F.2d 126, 128 (5th Cir. 1990). Because the requirements for subject-matter jurisdiction were not met, Vernon's reliance on *Akin v. Louisiana National Bank of Baton Rouge*, 322 F.2d 749 (5th Cir. 1963), is misplaced.

The judgment is AFFIRMED.