

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40738
Summary Calendar

ELIJAH W. RATCLIFF, Individually and
Elijah W. Ratcliff, Executor,

Plaintiff-Appellant,

versus

POLK COUNTY TITLE; RONALD P. BOYCE,
Examiner; E. L. MCCLENDON, JR.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:01-CV-64
- - - - -

February 15, 2002

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:*

Elijah W. Ratcliff appeals the district court's dismissal of his complaint for lack of subject matter jurisdiction. Ratcliff argues in a rambling and conclusional fashion that he has established causes of action under 42 U.S.C. §§ 1981, 1982, 1983, 1985, and 1988. Ratcliff alleges that the appellants defamed Katie Ratcliff by publishing a title report indicating that she died intestate. He contends that she did not die intestate and that this representation caused him injury, including the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

deprivation of his civil rights. Ratcliff admits that the probate action is still pending.

Ratcliff has not stated a cause of action for defamation. See Keys v. Interstate Circuit, Inc., 468 S.W.2d 483, 485 (Tex. Civ. App. 1971); TEX. PROB. CODE ANN. §§ 89, 94. Nor has he established that his complaint rests on a cognizable constitutional violation. Because this appeal is without arguable merit, it is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.