

April 1, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40770
Summary Calendar

SIE JOE LANN,

Plaintiff-Appellant,

versus

JAMES MAXWELL,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CV-28

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Sie Joe Lann filed a notice of appeal following the dismissal, for lack of federal jurisdiction, of his action against a court reporter for allegedly breaching a contract to provide various transcripts related to Lann's second-degree murder trial and conviction. Lann's styled his action as one brought pursuant to 42 U.S.C. § 1983.

Because the district court did not enter a judgment on a separate document as required by FED. R. CIV. P. 58, Lann's notice

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of appeal, filed more than two months after the district court signed the order dismissing the action, is timely as to that order. See FED. R. CIV. P. 58(b)(2).

Lann's pleadings and exhibits reveal that his complaint did not allege a constitutional violation or otherwise establish a federal question that would confer federal jurisdiction on the district court under 28 U.S.C. § 1331. See Rheuark v. Shaw, 628 F.2d 297, 302-03 (5th Cir. 1980). The district court's judgment is AFFIRMED.

Lann's motion to amend the record is DENIED.

JUDGMENT AFFIRMED; MOTION DENIED.