

February 2, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50583
Summary Calendar

TEXAS ASSOCIATION OF BUSINESS;
WILLIAM O. HAMMOND,

Plaintiffs-Appellants,

versus

MIKE BADNARIK; TONY BUZBEE; DAVID CAIN;
PAUL CLAYTON; DAVID COUNTS; BOB GLAZE;
MIKE HEAD; DONNIE JARVIS; NATHANIEL LAFLEUR;
DAVID LENGFELD; JOSEPHINE MILLER; ROBIN MOORE;
ROBERT PARKER; RAUL PRADO; GEORGE ROBINSON;
TOM UHER; KEN YARBROUGH,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-02-CV-826-SS

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

The Texas Association of Business (TAB) and William O. Hammond appeal the district court's dismissal of their complaint for lack of jurisdiction. They argue that the district court erred in determining that the complaint did not allege facts establishing an actual case or controversy as they have been

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

threatened with lawsuits and a criminal investigation concerning their creation and publishing of issue-oriented advertisements discussing the records of various candidates for the 2002 Texas elections. Because TAB and Hammond have not alleged that the threat of litigation is fairly traceable to the challenged action of the defendants, they have not met their burden to establish that an actual case or controversy exists. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992).

AFFIRMED.