

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 93-2140  
Conference Calendar

---

SOUTHWESTERN BELL TELEPHONE COMPANY  
AND HOUSTON LIGHTING AND POWER COMPANY,

Plaintiffs-Appellees,

versus

JAMES H. QUARLES,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 92-CV-2729  
- - - - -  
August 18, 1993

Before JOLLY AND DUHÉ, Circuit Judges. [This matter is being  
decided by a quorum. 28 U.S.C. § 46(d).]

PER CURIAM:\*

James H. Quarles appeals the district court's remand of the  
petition for injunctive relief to state court for lack of  
complete diversity and subject matter jurisdiction, pursuant to  
28 U.S.C. § 1447(c).

Remand orders issued by the district courts under 28 U.S.C.  
§ 1447(c) for lack of subject matter jurisdiction are not  
reviewable on appeal. McDermott Int'l, Inc. v. Lloyds

---

\* 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that this opinion should not be published.

Underwriters of London, 944 F.2d 1199, 1201 (5th Cir. 1991).

Furthermore, a remand order based on lack of jurisdiction cannot be reviewed, even if erroneous, by mandamus or otherwise.

Tillman v. CSX Transportation, Inc., 929 F.2d 1023, 1028-29 (5th Cir.), cert. denied, 112 S.Ct. 176 (1991). Accordingly, this case is DISMISSED for lack of jurisdiction. Because this Court is without jurisdiction, appellate counsel is not needed and the request for appointment of counsel is DENIED.