

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60232
Conference Calendar

LYDIA R. JEFFREY,

Plaintiff-Appellant,

versus

EDINBURG HOSPITAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-94-CA-001

August 23, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:*

Lydia R. Jeffrey moves for leave to appeal in forma pauperis (IFP), arguing that the district court should not have dismissed her action for want of subject matter jurisdiction sua sponte without a hearing. "When the district court rules on a motion to dismiss without an evidentiary hearing the plaintiff need only present a prima facie case of personal jurisdiction." Trinity

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Indus., Inc. v. Myers & Assocs., Ltd., 41 F.3d 229, 230 (5th Cir. 1995), petition for cert. filed, No. 94-1842 (May 8, 1995).

Jeffrey has made no attempt to show jurisdiction. In the absence of such an attempt, a challenge to the lack of a hearing is meritless.

Jeffrey, thus, presents no issue of arguable merit. Her appeal is frivolous, and we dismiss it as such. See 5th Cir. R. 42.2; Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

As this is Jeffrey's third attempt to obtain leave to proceed IFP in this matter without heeding the admonitions of this court, no future filings arising from or connected with the subject of this litigation will be accepted by the clerk.

IFP DENIED; APPEAL DISMISSED.