

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40323
Conference Calendar

LEROY EVANS, JR.,

Plaintiff-Appellant,

versus

JOHN DALTON, Secretary of the Navy,
Office of Personnel Management
and Office of Special Counsel,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-565
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Leroy Evans, Jr., argues that the district court erred in dismissing his petition for mandamus relief in which Evans sought an order directing the Office of Special Counsel to reconsider Evan's appeal of the denial of his request for the reclassification of his position as a management analyst.

We have reviewed the record and the briefs and find that the district court's dismissal of Evans' petition for mandamus based

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on the lack of subject matter jurisdiction should be affirmed substantially for the reasons adopted by the district court. See Evans v. Dalton, No. C-96-565 (S.D. Tex.; Jan. 14, 1997); DeLeonardis v. Weisman, 986 F.2d 725, 726 (5th Cir. 1993).

AFFIRMED.