

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-3080

Luther Smith,

Appellant,

v.

Estate of Howard Phillips;
Vernon Phillips,

Appellees.

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* Appeal from the United States
* District Court for the Western
* District of Arkansas.

* [UNPUBLISHED]

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Submitted: July 27, 2001

Filed: July 31, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Luther Smith appeals the district court's dismissal of Smith's complaint concerning probate matters. Having reviewed the record, we conclude dismissal was proper based on Smith's failure to assert any basis for federal subject matter jurisdiction. See VS Ltd. P'ship v. Dep't of Hous, and Urban Dev., 235 F.3d 1109, 1112 (8th Cir. 2000) (party desiring to proceed in federal court bears burden of establishing court's jurisdiction); Charchenko v. City of Stillwater, 47 F.3d 981, 982-83

(8th Cir. 1995) (de novo standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.