

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-1756

Marlin E. Jones,

Appellant,

v.

Jonathan J. Blum,

Appellee.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: August 6, 2010
Filed: September 3, 2010

Before BYE, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Marlin E. Jones appeals the district court's¹ order dismissing his defamation action without prejudice for lack of subject matter jurisdiction. Upon de novo review, see Advance Am. Servicing of Ark., Inc. v. McGinnis, 526 F.3d 1170, 1173 (8th Cir. 2008), we agree with the district court that dismissal was proper because Jones failed to satisfy his burden of proving that the amount in controversy exceeded \$75,000, after the court challenged the validity of the amount alleged, see 28 U.S.C. § 1332(a)(1); Missouri ex rel. Pemiscot County v. W. Sur. Co., 51 F.3d 170, 173 (8th

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

Cir. 1995) (if opposing party or court questions whether alleged amount in controversy is legitimate, then party invoking federal diversity jurisdiction bears burden of establishing requisite amount by preponderance of evidence). Accordingly, we affirm. See 8th Cir. R. 47B.
