

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3576

Nicie Smith, on behalf of Nancy
Smith Van Dalsen, deceased,

Appellant,

v.

St. Vincent Infirmary; Elizabeth Wise,
attorney; Donna Young; Jane Doe,
Jennifer; Sandra Goforth; Phyllis
Goforth; Charlotte Moore; Carrol Van
Dalsen; Phillip Van Dalsen; Central
Arkansas Radiation Therapy Institute;
X. Gao, Dr.; A. Maners, Dr.; Little
Rock Cancer Clinic, S. Kamanda, Dr.;
Perry County, Arkansas, inclusive of
titled individuals participants in
fraudulent deed titling; State of
Arkansas; Scott Montgomery, Sheriff
and Collector, Perryville, Arkansas;
Dorothy Camp, Perry County Assessor;
Persundra Hood, Perry County Circuit
Clerk,

Appellees.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: March 23, 2012
Filed: March 28, 2012

Before MURPHY, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Nicie Smith appeals the district court's¹ dismissal of her civil complaint for lack of subject matter jurisdiction. We conclude that the district court properly dismissed the complaint, because diversity jurisdiction is lacking, see 28 U.S.C. § 1332(a), and Ms. Smith alleged no viable basis for federal-question jurisdiction, see 28 U.S.C. § 1331; Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009) (threadbare recitals of elements of cause of action supported by mere conclusory statements are not entitled to assumption of truth); Hull v. Fallon, 188 F.3d 939, 942 (8th Cir. 1999) (requirements for federal question jurisdiction). Accordingly, we affirm the judgment of the district court, see 8th Cir. R. 47B, but we modify the dismissal of Ms. Smith's complaint to be without prejudice, see Cnty. of Mille Lacs v. Benjamin, 361 F.3d 460, 464 (8th Cir. 2004).

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.