

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

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No. 99-2514

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Edward Jones,

Appellant,

v.

Charles R. Peden, Attorney at Law;  
Paul A. Schmidt, Attorney at Law,

Appellees.

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

[UNPUBLISHED]

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Submitted: September 7, 1999

Filed: September 10, 1999

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Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Edward Jones brought a 42 U.S.C. § 1983 action against some private attorneys, seeking damages for uncompensated legal work Mr. Jones alleged he had performed for them. The district court<sup>1</sup> dismissed the complaint for failure to state a claim under section 1983. Mr. Jones appeals. Upon reviewing the record, we conclude that dismissal was proper because Mr. Jones did not allege facts amounting to a

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<sup>1</sup>The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.

constitutional violation and did not allege defendants acted under color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988) (§ 1983 plaintiff must allege violation of constitutionally protected right and show alleged deprivation was committed by person acting under color of state law). To the extent that Mr. Jones may have alleged a breach of contract, we note that he alleged all parties were Arkansas residents; thus, there was no diversity jurisdiction.

Accordingly, we affirm.

A true copy.

Attest:

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