

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 8, 2008

\_\_\_\_\_  
No. 07-20796  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

KATHLEEN DOTY

Plaintiff-Appellee

v.

SUN LIFE ASSURANCE COMPANY OF CANADA

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
4:06-CV-1869  
\_\_\_\_\_

Before GARZA and DENNIS, Circuit Judges, and MILLS, District Judge.\*

PER CURIAM:\*\*

Sun Life Assurance Company of Canada appeals the district court's judgment dismissing this case for lack of subject matter jurisdiction. We have reviewed the briefs, pertinent portions of the record, and the applicable law and have heard the arguments of counsel. We find no error in the district court's dismissal, and AFFIRM essentially for the reasons stated by the district court in its written order.

\_\_\_\_\_  
\* Chief Judge of the Northern District of Mississippi, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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