

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

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No. 06-4058

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James E. Thompson, Sr.,

Appellant,

v.

Tri-State Insurance of Minnesota;  
Dakota Redi-Mix; Berkley  
Administrators; Jerry Rachetto,

Appellees.

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Appeal from the United States  
District Court for the  
District of South Dakota.  
[UNPUBLISHED]

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Submitted: October 12, 2007  
Filed: October 18, 2007

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Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

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PER CURIAM.

James E. Thompson, Sr., appeals the district court's<sup>1</sup> dismissal of his civil action without prejudice for lack of subject matter jurisdiction. Upon careful review of the record, we conclude that Thompson established neither diversity jurisdiction nor federal-question jurisdiction. See 28 U.S.C. §§ 1331, 1332(a)(1); 4:20 Communication, Inc. v. Paradigm Co., 336 F.3d 775, 779 (8th Cir. 2003) (party

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<sup>1</sup>The Honorable Richard H. Battey, United States District Judge for the District of South Dakota.

invoking federal jurisdiction has burden to establish jurisdictional requirements). Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Thompson's pending motion.

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