

Not For Publication in West's Federal Reporter
Citation Limited Pursuant to 1st Cir. Loc. R. 32.3

United States Court of Appeals For the First Circuit

Nos. 03-2137
03-2291

VINCENT P. MURRAY,

Plaintiff, Appellant,

v.

JEFFRY PERLOW, LAW OFFICE OF MORETTI AND PERLOW,

Defendant, Appellee.

APPEALS FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

[Hon. Mary M. Lisi, U.S. District Judge]

Before

Torruella, Circuit Judge,
Stahl, Senior Circuit Judge,
and Lynch, Circuit Judge.

Vincent P. Murray on brief pro se.
Jeffrey S. Perlow and Moretti & Perlow on brief for appellee.

May 7, 2004

Per Curiam. The district court's judgment and its denial of the Fed. R. Civ. P. 60(b) motion are affirmed. Any constitutional claim against appellees is not cognizable. Cf. Miranda v. Clark County, Nevada, 319 F.3d 465, 468 (9th Cir.), cert. denied, 124 S. Ct. 64 (2003) (assistant public defender not a state actor when performing traditional role of defense lawyer in criminal proceeding; constitutional claim against public defender not cognizable). The only potential claims here are for legal malpractice and/or breach of contract; but the federal court lacks subject matter jurisdiction over any such claims in this dispute. See 28 U.S.C. § 1332.

Affirmed.