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United States Court of Appeals For the First Circuit

No. 04-1326

HILL ANTOINE,
Plaintiff, Appellant,

v.

MELLON BANK,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. William G. Young, U.S. District Judge]

Before

Boudin, Chief Judge,
Lynch and Lipez, Circuit Judges.

Hill Antoine on brief pro se.

September 16, 2005

Per Curiam. After preliminarily screening this in forma pauperis complaint, the district court ordered the pro se appellant, Hill Antoine, to file a more definite statement showing the existence of federal subject matter jurisdiction. Antoine responded, and the district court dismissed the suit, finding that "no ground for the exercise of federal jurisdiction" had been suggested. We affirm.

On appeal, Antoine contends that he is bringing his suit under Title VII and state law, and he provides numerous factual details about his claim. He did not present these facts to the district court, although he knew that the court was contemplating dismissing his suit. He does not explain why he failed to take the opportunity the court gave him to present facts bearing on its subject matter jurisdiction. Under the circumstances, affirmance is appropriate. Malave v. Carney Hospital, 120 F.3d 217, 222 (1st Cir. 1999) (stating that it is a "bedrock principle" of appellate practice that matters not raised in the district court cannot be raised on appeal).

Affirmed.