

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No. 97-40347

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SALOME RAMIRO VERA,

Plaintiff - Counter Defendant - Appellant,

versus

JOHN S. RUGGLES,

Defendant - Counter Claimant - Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas

(C-95-CV-293)

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December 5, 1997

Before POLITZ, Chief Judge, GARWOOD and BARKSDALE, Circuit Judges.

PER CURIAM:\*

This action, filed in state court, was removed to federal court, ostensibly because a federal cause of action was alleged in an amended complaint. The trial

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court thereafter denied a motion to remand and granted a Fed. R. Civ. P. 12(b)(6) and dismissed the action. Complainant timely appealed.

Having considered the briefs, oral arguments of counsel, and pertinent parts of the record, and concluding that there is no federal jurisdiction herein,<sup>1</sup> the judgment appealed must be vacated and this matter is remanded to the district court for a prompt return to state court.

VACATED and REMANDED.

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<sup>1</sup>See **Christianson v. Colt Indus. Operating Corp.**, 486 U.S. 800, 108 S.Ct. 2166, 100 L.Ed.2d 811 (1988); **Merrell Dow Pharmaceuticals Inc. V. Thompson**, 478 U.S. 804, 106 S.Ct. 3229, 92 L.Ed.2d 650 (1986); **Willy v. Coastal Corp.**, 855 F.2d 1160, 1168-1171 (5th Cir. 1988).