

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20362  
Summary Calendar

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JOHN STANDRIDGE,

Plaintiff-Appellee,

versus

AMERICAN MEDICAL SECURITY INCORPORATED,

Defendant-Appellant.

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Appeal from the United States District Court for  
the Southern District of Texas  
(H-96-CV-3320)

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February 23, 1998

Before REAVLEY, KING and DAVIS, Circuit Judges.

PER CURIAM:\*

Standridge brought this action against American Medical Security Company for benefits under his employer's ERISA plan. No other defendant was named and no ground for personal liability of this defendant was alleged. There should have been no judgment against American Medical Security Company and the plan itself should have been sued as defendant. While the record

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

before us seems to show that the dental limitation did not apply and Standridge's claim is meritorious, we are not entitled to make that decision and can only remand for the proper party to be brought into the case.

Judgment VACATED. Case REMANDED.