

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50603

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ANNE KILGO,

Plaintiff-Appellee,

versus

PETSMART, INC.,

Defendant-Appellant.

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

(D.C. No. EP-98-CV-482-H)

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April 6, 2000

Before REAVLEY, SMITH and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

The appeal is dismissed. The remand of a removed action, either due to the lack of subject matter jurisdiction or to any defect in the removal, may not be appealed. The removal of a non-removable action is a defect under 28 U.S.C. § 1447(c). Albarado v. Southern Pacific Transp. Co., 199 F.3d 762 (5th Cir. 1999). Actions arising under the workmen's compensation laws of a state may not be

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

removed per 28 U.S.C. § 1445(c). Kilgo's claim for discrimination against an employee, because the employee files a compensation claim, arises under the workmen's compensation laws of Texas. Sherrod v. American Airlines, Inc., 132 F.3d 1112 (5th Cir. 1998).

DISMISSED.