

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-2310

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Todd Templeton,

Appellee,

v.

United Parcel Service, Inc.;  
James Beavers,

Appellants.

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Appeal from the United States  
District Court for the  
Western District of Arkansas.

[UNPUBLISHED]

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Submitted: December 11, 2002

Filed: January 15, 2003

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Before BOWMAN, MORRIS SHEPPARD ARNOLD, and RILEY, Circuit Judges.

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PER CURIAM.

Todd Templeton, a member of the Teamster's Union, claiming constructive discharge from his position with United Parcel Service (UPS), sued UPS in an Arkansas state court, alleging wrongful termination, deceit, outrage, and breach of contract. UPS removed the case to federal court, where Templeton added James Beaver, a UPS manager, as a defendant. Templeton also added claims for fraud and misrepresentation. The District Court initially found that most of Templeton's claims were preempted by § 301 of the Labor Management Relations Act, 29 U.S.C. § 185

(2000). Later, the District Court<sup>1</sup> reconsidered its order and remanded the case to state court, finding that some of Templeton's state-law tort claims (the claims for fraud, outrage, and deceit) were not in fact preempted by § 301 and that no federal claims were pleaded.

UPS and Beavers appeal the District Court's remand order. As an initial matter, we agree with the parties that in the circumstances of this case the remand order is appealable. See St. John v. Int'l Ass'n of Machinists, Local #1010, 139 F.3d 1214, 1216-17 (8th Cir. 1998) (construing 28 U.S.C. § 1447(d)). As to the merits of the appeal, we agree with the District Court's conclusions regarding preemption and lack of federal-court jurisdiction to entertain any of the state-law claims asserted in Templeton's amended complaint. We note that UPS and Beavers do not suggest in this appeal that there is a basis for diversity jurisdiction.

No error of fact or law appears, and an extended opinion would lack significant precedential value. The District Court's order of remand is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.