

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

No. 10-3291

Maureen McNeil,	*
	*
Appellant,	*
	*
v.	*
	*
	*
Missouri Annual Conference of The	*
United Methodist Church; Heartland	*
South District, United Methodist	*
Church; Robert Schnase; Sally	*
Haynes,	*
	*
Appellees.	*

Submitted: March 4, 2011
Filed: March 11, 2011

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Maureen McNeil appeals the district court's¹ dismissal of her disability-discrimination suit removed from Missouri state court. After careful de novo review, *see Strand v. Diversified Collection Serv., Inc.*, 380 F.3d 316, 317 (8th Cir. 2004), this court affirms. The district court correctly concluded that it lacked

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

subject matter jurisdiction because McNeil’s Americans with Disabilities Act (ADA) claim fell within the “ministerial exception” this court recognized in *Scharon v. St. Luke’s Episcopal Presbyterian Hosps.*, 929 F.2d 360, 362 (8th Cir. 1991) (“[p]ersonnel decisions by church-affiliated institutions affecting clergy are *per se* religious matters and cannot be reviewed by civil courts”; doing so would implicate the First Amendment’s Free Exercise Clause). *See Hollins v. Methodist Healthcare, Inc.*, 474 F.3d 223, 225 (6th Cir. 2007) (applying exception to ADA claim; exception bars employment-discrimination claim when employer is religious institution and employee was ministerial employee); *see also Elvig v. Calvin Presbyterian Church*, 375 F.3d 951, 961 (9th Cir. 2004) (church’s selection of its ministers is unfettered, and its true reasons – whatever they may be – are therefore unassailable).

Accordingly, this court affirms. *See* 8th Cir. R. 47B.
