

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2464

Chautauqua Guest Home, Inc.,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the
v.	*	Northern District of Iowa.
	*	
Tandus US, LLC,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: June 21, 2012
Filed: June 28, 2012

Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Chautauqua Guest Home, Inc. (Chautauqua) appeals following the district court's¹ dismissal of its complaint asserting state-law claims against Tandus US, LLC (Tandus).

Chautauqua originally brought this action in state court, and Tandus removed it to federal court. Chautauqua then moved for a remand of the case back to state court, and Tandus moved to dismiss the action, or for a stay, asserting that the dispute

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.

was subject to arbitration. The district court thereafter simultaneously denied Chautauqua's remand motion, and granted Tandus's motion to dismiss, but did not indicate whether the dismissal was with or without prejudice.

After careful review, *see Palmer v. Ill. Farmers Ins. Co.*, 666 F.3d 1081, 1083 (8th Cir. 2012) (de novo review of grant of motion to dismiss); *Borntrager v. Cent. States Se. and Sw. Areas Pension Fund*, 577 F.3d 913, 919 (8th Cir. 2009) (de novo review of district court's subject matter jurisdiction), this court affirms, but modifies the dismissal to be without prejudice.
