

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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NO. 16-2997

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PAULA FESENMEYER

PLAINTIFF - APPELLANT

V.

CITY OF KANSAS CITY, MISSOURI; TALIAFERRO & BROWNE;  
PARS ENGINEERING, INC.

DEFENDANTS - APPELLEES

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APPEAL FROM UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI - KANSAS CITY

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SUBMITTED: APRIL 17, 2017  
FILED: APRIL 20, 2017  
[UNPUBLISHED]

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BEFORE GRUENDER, ARNOLD, AND BENTON, CIRCUIT  
JUDGES.

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PER CURIAM.

IN THIS REMOVED ACTION IN WHICH PAULA FESENMEYER ASSERTED CLAIMS UNDER MISSOURI LAW AND THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12101 ET SEQ. SHE APPEALS AFTER THE DISTRICT COURT,<sup>1</sup> INTER ALIA, DENIED HER MOTION TO REMAND THE CASE BACK TO STATE COURT, DISMISSED HER FEDERAL CLAIMS, AND DECLINED TO EXERCISE SUPPLEMENTAL JURISDICTION OVER HER STATE-LAW CLAIMS.

AS AN INITIAL MATTER, WE CONCLUDE THAT THE ONLY ISSUE TO BE CONSIDERED ON APPEAL IS WHETHER THE DISTRICT COURT ERRED IN DENYING FESENMEYER'S MOTION TO REMAND THE CASE BACK TO THE STATE COURT. SEE AHLBERG V. CHRYSLER CORP., 481 F.3D 630, 638 (8TH. CIR. 2007) (NOTING THAT POINTS NOT MEANINGFULLY ARGUED ON APPEAL ARE WAIVED). WE FURTHER CONCLUDE THAT THE MOTION TO REMAND WAS APPROPRIATELY DENIED. SEE 28 U.S.C. §§ 1331 (GRANTING DISTRICT COURTS ORIGINAL JURISDICTION OVER "ALL CIVIL ACTIONS ARISING UNDER THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES"), 1441(A) (ALLOWING DEFENDANT TO REMOVE ACTION PENDING IN STATE COURT TO FEDERAL DISTRICT COURT THAT HAS ORIGINAL

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<sup>1</sup>THE HONORABLE GREG KAYS, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI.

JURISDICTION OVER ACTION), 1446 (DESCRIBING PROCEDURE FOR REMOVAL OF CIVIL ACTIONS); IN RE PREMPRO PRODS. LIAB. LITIG., 591 F.3D 613, 619-20 (8TH CIR. 2010) (APPLYING DE NOVO REVIEW TO DENIAL OF REMAND). ACCORDINGLY, WE AFFIRM. SEE 8TH CIR. R. 47B.

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