

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

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No. 98-4189

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Charles E. Duchek,

Appellant,

v.

Ethyl Corporation, a corporation;  
Ethyl Petroleum Additives, Inc., a  
corporation; Barry Abrahamson,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* Eastern District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: October 15, 1999

Filed: November 12, 1999

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Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Charles E. Duchek appeals the portion of the district court's order dismissing, upon removal, various state law claims. The corporate appellees concede that, given the district court's ruling that diversity of citizenship was lacking, the court was precluded from dismissing the claims against them before remanding the case to state court. We now vacate the dismissal portion of the district court's order because it was rendered without diversity jurisdiction. See 28 U.S.C. § 1332.

A true copy.

Attest:

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