

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2012

Lyle W. Cayce
Clerk

No. 11-60652

MCMAHAN JETS, L.L.C.,

Plaintiff-Appellant,

versus

ROAD LINK TRANSPORTATION, INCORPORATED;
CLIFFORD GOTTSCHALK,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 2:10-CV-175

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

We have reviewed the briefs, the applicable law, and pertinent portions of the record and have heard the arguments of counsel. We conclude that under

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-60652

the facts alleged by the plaintiff, McMahan Jets, L.L.C. (“McMahan”), this case is squarely informed by the binding precedent of *Growden v. Ed Bowlin & Assocs.*, 733 F.2d 1149 (5th Cir. 1984).

The judgment dismissing for lack of minimum contacts is AFFIRMED, and we need not consider whether McMahan alleged facts sufficient to satisfy the Mississippi long-arm statute. We also see no error in the denial of McMahan’s request for jurisdictional discovery or in the denial of McMahan’s motion for remand.¹ McMahan’s most recent motion to remand, filed in this court, is DENIED. McMahan’s alternative motion to stay proceedings in this court is also DENIED.

¹ This suit was filed in state court and named several defendants not party to this appeal as well as defendants Road Link Transportation, Incorporated (“Road Link”), and Clifford Gottschalk. The matter was removed to federal court on grounds of diversity of citizenship. After denying McMahan’s motion for remand, the district court dismissed Road Link and Gottschalk under Federal Rule of Civil Procedure 54(b) but allowed the remainder of the suit to proceed. Ordinarily, the refusal to remand is not a final order and cannot be appealed before final judgment. *B., Inc. v. Miller Brewing Co.*, 663 F. 2d 545, 548 (Former 5th Cir. Dec. 1981). But the application of Rule 54(b) makes the judgment dismissing those two defendants a final, appealable order. *Id.*