

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

No. 14-20662

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2015

Lyle W. Cayce
Clerk

EARTHA JEAN JOHNSON,

Plaintiff–Appellant,

versus

UNITED AIRLINES, INCORPORATED,

Defendant–Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:14-CV-646

Before KING, SMITH, and ELROD, Circuit Judges.

PER CURIAM:*

The plaintiff appeals a dismissal under Federal Rule of Civil Procedure 12(b)(6) based on the statute of frauds. Plaintiff was denied a request to amend the complaint, and there was no discovery.

Included in the record on appeal is a letter from the defendant, dated

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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March 1, 2013, referencing, *inter alia*, “our promise of lifetime top-tier earned status.” That admission detaches the statute-of-frauds issue from this case. Under these particular circumstances, the plaintiff should be allowed to amend the original complaint, which was inartful. The district court should then determine whether to permit discovery.

The judgment is REVERSED, and this matter is REMANDED. We place no limitation on the rulings that the district court should make on remand except to allow amendment.