

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

No. 15-60034
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 10, 2016

Lyle W. Cayce
Clerk

JOSEPH EDWARD PARKER,

Plaintiff - Appellant

v.

LEAF RIVER CELLULOSE, L.L.C.,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:14-CV-9

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Joseph Edward Parker appealed the district court's dismissal of his wrongful discharge claim against his employer, Leaf River Cellulose, L.L.C. We affirmed. *Parker v. Leaf River Cellulose, L.L.C.*, 621 F. App'x 271 (5th Cir. 2015). A month after our affirmance, another panel certified a question to the Mississippi Supreme Court that addressed the same legal issues we faced in

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-60034

this appeal. *Swindol v. Aurora Flight Scis. Corp.*, 805 F.3d 516, 523 (5th Cir. 2015). We therefore held the mandate in the current case.

The question the *Swindol* panel asked, equally applicable in the present appeal, was the following:

Whether in Mississippi an employer may be liable for a wrongful discharge of an employee for storing a firearm in a locked vehicle on company property in a manner that is consistent with [Mississippi Code] Section 45–9–55.

Id. Succinctly put, the Mississippi Supreme Court answered “yes.” *Swindol v. Aurora Flight Scis. Corp.*, -- So. 3d -- , 2016 WL 1165448 (Miss. Mar. 24, 2016), *reh’g denied* (July 28, 2016).

Upon receiving the Mississippi Supreme Court’s answer, the *Swindol* panel summarized the effect of the state court’s response, then vacated and remanded to the district court. *Swindol v. Aurora Flight Scis Corp.*, -- F.3d -- , No 14-60779 (5th Cir. Aug. 8, 2016). We similarly conclude that we must withdraw our previous opinion, REVERSE the district court’s order dismissing Parker’s claim, and REMAND this case for further proceedings.¹

¹ Leaf River’s motion for leave to file supplemental authorities is DENIED. Further judicial consideration of the Mississippi Supreme Court’s explanation of this statute should begin in the district court.