

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50287  
Summary Calendar

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LEON GONZALEZ, JR.,

Plaintiff-Appellant,

versus

CITY OF SAN ANTONIO; JIM WELLS, Individually and in his Official  
Capacity as a San Antonio Police Officer; SOUTHWEST BELL  
TELEPHONE COMPANY; J.E. GREBER, Individually and in his Official  
Capacity as Administrator of Southwestern Bell Telephone Company,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 97-50287  
- - - - -

November 3, 1997

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:\*

Leon Gonzalez, Jr., appeals the dismissal, without  
prejudice, for failure to state a claim of his wrongful-  
termination lawsuit. He contends that the district court erred  
in refusing to remand the case to state court and in dismissing  
his complaint.

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\* 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that this opinion should not be published and is not precedent  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.

We have reviewed the briefs and the record and find no error. Gonzalez's claims were preempted by § 301 of the Labor Management Relations Act, 29 U.S.C. § 185. See, e.g., Thomas v. LTV Corp., 39 F.3d 611, 616 (5th Cir. 1994). Because he failed to exhaust his contractual remedies prior to instituting this lawsuit, dismissal without prejudice was appropriate. Allis-Chalmers Corp. v. Lueck, 471 U.S. 202, 204 n.1, 220-21 (1985).

AFFIRMED.