

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50851

JOHN C. GILLEN,

Plaintiff-Appellee,

VERSUS

THE BOVIARD SUPPLY COMPANY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(MO-98-CV-29)

August 19, 1999

Before JOLLY and SMITH, Circuit Judges, and STAGG,* District Judge.

PER CURIAM:**

We have reviewed the briefs and relevant portions of the record and the applicable caselaw and have heard the oral arguments of counsel, and we find no reversible error. After dismissing the completely preempted claims, the district court "either could exercise its discretion to remand the putatively conflict-preempted state causes of action, or continue with the remaining claims." *Giles v. NYLCare Health Plans, Inc.*, 172 F.3d 332, 338 (5th Cir.

* District Judge of the Western District of Louisiana, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1999). The court's choice to remand was within its discretion.
See *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 353 (1988).

AFFIRMED.