

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-60343  
Summary Calendar

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PORTER WAYNE McKEE,

Plaintiff-Appellant,

VERSUS

CATERPILLAR, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
(1:95-CV-256-S-D)

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December 23, 1998

Before DAVIS, DUHÉ and PARKER, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Porter Wayne McKee appeals the grant of summary judgment for defendants on his wrongful termination claim based on Mississippi state law. We affirm.

McKee was discharged from his employment at Caterpillar, Inc. for insubordination. Mississippi follows the employment-at-will

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

doctrine. See *Kelly v. Mississippi Valley Gas Co.*, 397 So.2d 874 (Miss. 1981). However, where a contractual arrangement limits the right to termination, the employer must adhere to the terms of the contract. See *Bobbitt v. The Orchard, Ltd.*, 603 So.2d 356 (Miss. 1992). McKee contends that fact issues exist concerning whether his discharge was in violation of the Appellee's employment handbook. Having reviewed the summary judgment evidence in the record, we conclude that no genuine issues of material fact exist that would preclude summary judgment for defendant. We affirm for essentially the reasons stated by the district court in its opinion and order dated May 21, 1998.

AFFIRMED.