

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 15, 2021

Lyle W. Cayce
Clerk

No. 20-20526
Summary Calendar

BABUR NASEEM ASHRAF,

Plaintiff—Appellant,

versus

UNITED AIRLINES, INCORPORATED,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CV-3109

Before HIGGINBOTHAM, JONES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Appellant Babur Naseem Ashraf was fired by his employer, United Airlines, after he was caught during a layover with a prohibited items in his personal luggage. Ashraf filed suit challenging the decision of the System Board of Adjustment's rejection of the Union's challenge to his dismissal for

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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cause pursuant to the collective bargaining agreement with United Airlines. The district court dismissed for lack of standing on the basis that only the Union had the right to maintain suit. On appeal, Ashraf asserts that this court should vacate and remand because, although he pled and briefed his federal case as falling within the purview of Railway Labor Act, 45 U.S.C. § 159, he meant to assert a claim under 45 U.S.C. § 153 First (q).

The district court did not err in its conclusion that Ashraf never asserted the apposite statutory provision, and the court was not required to clean up Ashraf's claim for him. This is especially true because Ashraf failed to brief standing in the district court.

Accordingly, the judgment of the district court is **AFFIRMED**.