

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 29, 2021

Lyle W. Cayce
Clerk

No. 21-50012

VINAY YADAV,

Plaintiff—Appellant,

versus

FROST BANK,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:20-CV-005

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

PER CURIAM:*

This case arises out of Frost Bank's termination of Vinay Yadav and its alleged use of the San Antonio Police Department to remove him from bank premises. Adopting a thorough opinion of the magistrate judge, the district court dismissed Yadav's claims for retaliatory discharge, defamation, RICO, and intentional infliction of emotional distress. The court denied the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50012

motion to dismiss his assault claim and remanded that claim to state court as the RICO dismissal meant there was no longer a federal claim in the case. *See* 28 U.S.C. § 1367(c).

Yadav appeals the dismissal of his claims. Having reviewed the briefs, Yadav's pleadings, and the applicable law, we agree with the court's dismissal of all but the assault claim essentially for the reasons stated in the magistrate judge's opinion. Yadav's brief also discusses the assault claim, but that claim was appropriately sent back to state court. As a result, we have no basis for considering Yadav's arguments relating to the assault claim.

AFFIRMED.