

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

F I L E D

October 8, 2009

No. 09-30401
Summary Calendar

Charles R. Fulbruge III
Clerk

AMBER CHAUVIN,

Plaintiff - Appellant

v.

RADIOSHACK CORP.,

Defendant - Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:08-CV-4255

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the following reasons:

1. The jurisdiction of the court existed for the reasons given by the order of April 7, 2009. The plaintiff's petition appears to predicate the alleged wrongful termination on a violation of the plaintiff's entitlement to medical leave of absence. The claim under the federal act was confirmed by plaintiff's counsel. Subsequently,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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plaintiff dismissed that claim, but jurisdiction was determined on the date of removal.

2. As an at-will employee, plaintiff has no claim for her termination. Whether or not she was allowed medical leave is immaterial, because that would not change the defendant's right to terminate her employment. Again, the district court by its order of April 9, 2009, correctly ruled.

AFFIRMED.