

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

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2019

Lyle W. Cayce
Clerk

No. 18-10540
Summary Calendar

J (SANDY) WESLEY JONES, (Sandy),

Plaintiff-Appellant

v.

FORT WORTH STAGE EMPLOYEES UNION LOCAL 126; MARLA FAULK;
TERRY BEHLE; DIANE FREEMAN; SONI SPEER; DAN AKEMAN; LARRY
HENKE; CARTER SELBY,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CV-403

Before BENAVIDES, HIGGINSON, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

J. Wesley Jones appeals the district court's dismissal of his complaint alleging claims of workplace discrimination, improper discipline against him, and retaliation for filing claims with the National Labor Relations Board (NLRB). He also sought review of adverse decisions of the NLRB. The district court dismissed Jones's complaint, in part, for lack of subject matter

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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jurisdiction and, in part, for failure to state a claim pursuant to FED. R. CIV. P. 12(b)(6).

Jones's arguments are, for the most part, difficult to comprehend. The only discernible argument that he presents to this court is that the district court had jurisdiction pursuant to 29 U.S.C. § 412 over the claims he raised challenging his union's disciplining him without affording him a full and fair hearing under 29 U.S.C. § 411(a)(5), both of which are part of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 401-531.

Section 411 of the LMRDA "provides union members with an exhaustive 'Bill of Rights' enforceable in federal court." *Local No. 82, Furniture and Piano Moving v. Crowley*, 467 U.S. 526, 536 (1984); see § 411. Jurisdiction over claims of violations of the LMRDA is vested in the district court, not the NLRB. See § 412; *Keene v. Int'l Union of Operating Eng'rs, Local 624*, 569 F.2d 1375, 1379 (5th Cir. 1978).

As Jones's second amended complaint raised claims under § 411(a)(5), "the district court had jurisdiction because the complaint asserts violations of rights guaranteed under the LMRDA." *Miller v. Holden*, 535 F.2d 912, 916 (5th Cir. 1976). The fact that Jones arguably also raised the same or similar claims before the NLRB did not defeat the district court's jurisdiction. See *Fulton Lodge No. 2 of Int'l Ass'n of Machinists and Aerospace Workers v. Nix*, 415 F.2d 212, 215-16 (5th Cir. 1969). The district court therefore erred by ruling that it lacked jurisdiction over Jones's § 411(a)(5) claims.

Accordingly, the judgment of the district court is VACATED, IN PART, and REMANDED for further proceedings on Jones's § 411(a)(5) claims. As Jones does not raise any comprehensible challenge to the remainder of the district court's ruling, he has abandoned any such challenge. See *Mapes v. Bishop*, 541 F.3d 582, 583-84 (5th Cir. 2008); *Brinkmann v. Dallas Cnty.*

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Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). The judgment is therefore AFFIRMED IN PART.