

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

United States Court of Appeals
Fifth Circuit

FILED

October 3, 2012

No. 12-10680

Lyle W. Cayce
Clerk

AMERICAN AIRLINES, INC.,

Plaintiff-Appellee,

v.

NATIONAL MEDIATION BOARD,

Defendant-Appellant,

COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, CLC: BRYAN
WALL,

Movants-Appellants.

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CV-276

Before HIGGINBOTHAM, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

Judicial review of National Mediation Board (“NMB”) decisions pursuant to the exception carved out by the Supreme Court in *Leedom v. Kyne*, 358 U.S. 184 (1958) is only appropriate where there is a “plain” violation of an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

unambiguous and mandatory provision of the statute,” or in other words, where the NMB has committed “egregious error.” *Am. Airlines, Inc. v. Herman*, 176 F.3d 283, 293 (5th Cir. 1999) (quoting *United States v. Feaster*, 410 F.2d 1354, 1368 (5th Cir. 1969) (explaining that jurisdiction is proper only if the challenged NMB action is “an obvious or gross misapplication of statutory dictates”)). The *Leedom v. Kyne* exception is not applicable on the facts of this case and therefore the district court erred in exercising jurisdiction. As a result, we do not need to reach the other issues presented on this appeal. We VACATE the district court’s judgment in its entirety and REMAND with instructions to dismiss American Airlines, Inc.’s complaint for lack of subject matter jurisdiction.