

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-7147**September Term, 2016****1:16-cv-01283-CKK****Filed On:** August 2, 2017

Jasper Washington, Jr.,

Appellant

v.

AlliedBarton Security Services, LLC,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA****BEFORE:** Rogers, Tatel, and Griffith, Circuit Judges**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed November 15, 2016, be affirmed in part, and that the case be remanded to determine whether appellant's district court pleadings state a claim under Section 301 of the Labor Management Relations Act. See *Cephas v. MVM, Inc.*, 520 F.3d 480, 490 (D.C. Cir. 2008). The district court correctly concluded that appellant's state law claims, which depend on the meaning of the collective bargaining agreement, are preempted by Section 301. See id. at 484. Although Section 301 preempts appellant's state law claims, it also provides a federal cause of action. See id. That means that appellant's claims must be brought, if at all, under Section 301. The district court, however, "ma[de] no decision regarding the sufficiency of Plaintiff's claims on the merits, or the viability of those claims if brought under federal law." Washington v. AlliedBarton Security Servs., LLC, 217 F. Supp. 3d 208, 214 (D.D.C. 2016).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam