

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

COLUMBIA GAS TRANSMISSION
CORPORATION,

Plaintiff-Appellant,

v.

I. L. MORRIS,

Defendant-Appellee.

No. 00-2252

Appeal from the United States District Court
for the Northern District of West Virginia, at Clarksburg.
Irene M. Keeley, District Judge.
(CA-00-130-1)

Submitted: February 9, 2001

Decided: March 7, 2001

Before WILKINS and MOTZ, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

W. Henry Lawrence, Amy M. Smith, STEPTOE & JOHNSON,
Clarksburg, West Virginia, for Appellant. Marc A. Monteleone, Ken-
neth E. Webb, Jr., BOWLES, RICE, MCDAVID, GRAFF & LOVE,
P.L.L.C., Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Columbia Gas Transmission Corp. appeals the district court's order granting I. L. Morris' motion to dismiss this action for lack of subject matter jurisdiction. The court found that the parties were not diverse and that the action was not based upon a federal question. In finding that there was no federal question jurisdiction, the district court did not have the benefit of our decision in *Columbia Gas Transmission Corp. v. Drain*, ___ F.3d ___, 2001 WL 15604 (4th Cir. Jan. 8, 2001). We therefore vacate the district court's order and remand for further proceedings in light of *Drain*. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED