

United States Court of Appeals
for the Fifth Circuit

No. 22-20403
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2023

Lyle W. Cayce
Clerk

WAYNE SMITH,

Plaintiff—Appellant,

versus

DAVID HITTNER; MTGLQ INVESTORS, L.P.; BRANDON
HAKARI; CHARLES ESKRIDGE; SAM S. SHELTON; CLARE I.
COUGILL; MARILYN BURGESS,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-3079

Before CLEMENT, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Wayne Smith appeals the dismissal of his case under Federal Rule of Civil Procedure 12(b)(6). “We review *de novo* the grant of a Rule 12(b)(6) motion to dismiss.” *Lampton v. Diaz*, 639 F.3d 223, 225 (5th Cir. 2011) (citation omitted). Having reviewed the briefs and the record, we find Smith

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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hasn't shown that he stated a claim upon which relief can be granted. *See* FED. R. CIV. P. 12(b)(6). So, we AFFIRM and all pending motions are DENIED.