

July 27, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-31103
Summary Calendar

RAYMOND GIUFFRIA,

Plaintiff-Appellant,

versus

BELLSOUTH TELEPHONE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:03-CV-3235

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Raymond Giuffria appeals following the district court's grant of summary judgment to the defendant in this civil action. Giuffria alleged in his complaint that Bellsouth committed fraud by billing him for America Online ("AOL") services to which he did not subscribe.

"This court reviews a district court's grant of summary judgment de novo, applying the same legal standards as the district court." Am. Home Assurance Co. v. United Space

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Alliance, LLC, 378 F.3d 482, 486 (5th Cir. 2004). Giuffria argues that the bills Bellsouth sent to him were fraudulent. However, he fails to show a genuine issue of material fact with respect to the elements for a cause of action for fraud, and his largely conclusional brief is insufficient to meet his summary judgment burden. See Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)(en banc); see also Guidry v. United States Tobacco Co., Inc., 188 F.3d 619, 627 (5th Cir. 1999).

The district court's judgment is AFFIRMED.