

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 19, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-60758

Summary Calendar  
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GLO KAUFMAN,  
by and Through Her Daughter and Attorney-in-Fact, Debrah Kaufman,

Plaintiff-Appellant,

versus

ROBINSON PROPERTY GROUP LIMITED PARTNERSHIP,  
Doing Business as Horseshoe Casino & Hotel,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Mississippi  
No. 2:07-CV-48  
\_\_\_\_\_

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:\*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Glo Kaufman, proceeding *pro se*, appeals a summary judgment that is based on judicial estoppel. Finding no error, we affirm.

The facts and initial proceedings are described in the prior opinion of this court, *Kaufman v. Robinson Property Group Limited Partnership*, 331 F. App'x 276 (5th Cir. 2008) (per curiam). After remand, the district court granted summary judgment to the defendant on the basis of judicial estoppel.

The district court explicated its ruling in a thorough and reliable Memorandum Opinion filed May 15, 2009. It explained that Kaufman thought she had a valid personal injury claim when she filed her bankruptcy petition but failed to include the potential claim in her required bankruptcy statements. The court properly reasoned that “there is clear inconsistency between stating by omission on her March 16, 2006 bankruptcy petition . . . that she had no claims arising from her alleged January 31, 2003 injury and pursuing those claims before this court beginning with the filing of her March 26, 2007 Complaint.” The court further noted that “[a]lleged confusion as to a limitations period does not evince a lack of knowledge as to the existence of the claim” (citing *In re Superior Crewboats, Inc.*, 374 F.3d 330, 334 (5th Cir. 2004)).

Kaufman did not properly pursue her purported claim. Her inconsistent positions result in judicial estoppel. The summary judgment is AFFIRMED, essentially for the reasons given by the district court.