

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

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2011

No. 10-50296

Lyle W. Cayce
Clerk

RAYMOND DESCH,

Plaintiff-Appellant

v.

RICHARD WHEATLEY, SR., Individually and
As Representative of 7701 Wurzbach Tower
Council of Co-Owners, Incorporated;
KENNETH SHANNON, Individually, and
as Representative of 7701 Wurzbach Tower
Council of Co-Owners, Incorporated;
7701 WURZBACH TOWER; DELORES ANN
MOSELEY,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No 5:08-CV-922

Before GARWOOD, GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed, essentially for the reasons
stated in the January 19, 2010 Memorandum and Recommendation of the

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 R. 47.5, the court has determined that this opinion should not
be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-50296

United States Magistrate Judge, accepted, pursuant to 28 U.S.C. § 636(b)(1), by the District Court in its March 18, 2010 judgment.

AFFIRMED