

December 9, 2004

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 04-20029  
Summary Calendar

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DESA MAE WELLS,

Plaintiff-Appellant,

v.

BRETON MILL APARTMENTS EQUITY RESIDENTIAL  
PROPERTIES; EQUITY RESIDENTIAL PROPERTIES,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Southern District of Texas, Houston  
4:03-CV-359

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Before WIENER, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:\*

Appellant Desa Mae Wells (Wells) appeals from the dismissal of her claims based on Rule 12(b)(6) of the Federal Rules of Civil Procedure. We affirm.

Wells was evicted from her dwelling for failure to pay rent. She does not complain of the eviction process. Rather, Wells

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claims that her eviction and/or the subsequent decision not to renew her lease was based on discrimination or retaliation in violation of 42 U.S.C. §§ 1981, 1982, and 1983, 42 U.S.C. § 3601-3631, and the Fifth, Thirteenth and Fourteenth Amendments to the United States Constitution. The defendants/appellees responded with a motion to dismiss based on Rule 12(b)(6) and also asserted a nondiscriminatory basis for Well's eviction; to wit, the nonpayment of rent. Wells neither responded to the motion to dismiss or the nondiscriminatory basis asserted by defendants for her eviction.

The district court deemed the motion to dismiss with respect to the section 1981 claim unopposed and dismissed the claim and after a careful review of the pleadings, set forth in detail its rationale in dismissing Well's claims. We affirm essentially for the reasons stated by the district court in its order signed December 1, 2003. Even if we consider Well's purported amended complaint, the complaint remains conclusory and fails to remedy the deficiencies in the pleadings that properly lead to the dismissal of Well's claim.

The judgment of the district court is affirmed.

AFFIRMED