

FILED

November 27, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40604
Summary Calendar

HORTENCIA MATA; ROGELIO MATA,

Plaintiffs–Appellants,

versus

STATE FARM LLOYDS; STATE FARM LLOYDS INC.,

Defendants–Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(USDC No. 7:05–CV–392–RHH)

Before REAVLEY, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

The Matas appeal the district court’s order of dismissal as to Defendant State Farm Lloyds Inc. and the district court’s entry of summary judgment for Defendant State Farm

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Lloyds. This case is one of several related cases, all of which the district court dismissed on the same basis: that the plaintiffs had no cause of action against the insurance company's attorney-in-fact and that the statute of limitations had run by the time the plaintiffs served the insurance company with process. As to the order of dismissal of the attorney-in-fact, we affirm for the reasons stated in our disposition of *Martinez v. State Farm Lloyds*, No. 06-40442, 2006 WL 3147505. As to the entry of summary judgment, we likewise affirm because the Matas' original petition, filed in state court on January 31, 2003, estops them from denying that their claims had already accrued—and therefore the limitation period began to run—at the time they filed their lawsuit. The Matas did not serve State Farm Lloyds until August 2005, after the statute of limitations had run. *See id.*

AFFIRMED.