

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-50827  
Summary Calendar

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CYRUS R. WARE; MILDRED WARE,

Plaintiffs-Appellants,

versus

UNITED STATES OF AMERICA; ET AL.,

Defendants,

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court for  
the Western District of Texas  
(USDC No. SA-99-CV-548-OLG)

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March 16, 2001

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Plaintiffs-appellants Cyrus and Mildred Ware seek to set aside the foreclosure against their family farm. We agree with the judgment of the district court that the statute of limitations has run. Whether their claim falls under 28 U.S.C. § 2409a or 28 U.S.C. § 2410, the limitations period has expired, and the Wares cannot maintain any claim against the government's title. See Bank One Texas v. United States, 157 F.3d 397, 402 (5th Cir. 1998).

AFFIRMED.