

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 01-40953
Summary Calendar

In The Matter of: THOMAS A. RIVERA; SONIA DE LA ROSA;
ANTONIO MARTINEZ; JOHN BRAUN,

Debtors.

THOMAS A. RIVERA; SONIA DE LA ROSA; ROBERT P. MCGUILL;
ISMAEL ESPINOSA; MARICELA GARZA;; STEPHEN PEREZ, for
themselves and on behalf of all others similarly situated,

Appellants,

VERSUS

AT&T CORP.; TIME WARNER, INC.; TELE-COMMUNICATIONS, INC.;
TCI CABLEVISION OF TEXAS, INC.; TEXAS CABLE PARTNERS LP;
KBL CABLESYSTEMS OF THE SOUTHWEST, INC.; TCI CENTRAL, INC.;
TIME WARNER ENTERTAINMENT COMPANY LP; TWI CABLE, INC.,

Appellee.

Appeal from the United States District Court
For the Southern District of Texas

(V-00-CV-93)

March 25, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

The "Rivera appellants" (as defined in their Notice of Appeal filed under date of July 20, 2001) brought this suit against AT&T Corporation and the other corporations named in their Notice of Appeal (the "cable television providers") asserting a civil class action on behalf of themselves and other similarly situated under the federal Racketeering Influenced and Corrupt Organizations Act (RICO) premised upon the theory that the cable television providers were violating RICO by charging a \$3 or \$5 monthly fee for late payment of bills for television services. The cable television providers moved to dismiss the Rivera appellants' lawsuit under Rule 12(b)(6) because the Rivera appellants' petition failed to state a claim or cause of action upon which recovery could be made. The district judge granted such motion after entering a 12-page order which carefully analyzed the Rivera appellants' petition. The Rivera appellants now appeal to this Court.

We have carefully reviewed the briefs, the reply brief, the record excerpts, and relevant portions of the record itself. For the reasons stated by the district court in its Order of Dismissal

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

filed April 18, 2001, we affirm the decision of the district court to dismiss with prejudice all of the Rivera appellants' claims against the cable television providers.

AFFIRMED.