

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-50591  
Summary Calendar

---

MARILYN I. RABY,

Plaintiff-Appellant,

versus

MARIA LICON,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Western District of Texas  
(01-CA-0288-DB)

---

December 30, 2002

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Marilyn I. Raby appeals, *pro se*, her complaint's being dismissed pursuant to FED. R. CIV. P. 12(b)(6) (failure to state claim upon which relief can be granted). (Raby moves for relief from the requirement of the rules with respect to her reply brief. Treating the motion as one to file a reply brief in its present form, it is **GRANTED**.)

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rule 12(b)(6) dismissal is proper where the facts alleged, if true, do not entitle the plaintiff to a legal remedy. See, e.g., **Conley v. Gibson**, 355 U.S. 41, 45-46 (1957). Accepting as true all material allegations in the Complaint, as well as all reasonable inferences to be drawn from the allegations, and reviewing the allegations in a light most favorable to Raby, we hold that Raby has not stated a claim upon which relief can be granted. In so holding, we note that Raby proceeds without reference to any statute or specific legal theory. Despite a liberal reading of her complaint, we find no allegations sufficient to rise to the level of a legal claim.

**MOTION GRANTED; AFFIRMED**