

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 13-11003  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 12, 2014

Lyle W. Cayce  
Clerk

LARRY ALLEN; VICKIE BELL,

Plaintiffs-Appellants,

v.

JPMORGAN CHASE BANK, N.A.; WASHINGTON MUTUAL BANK F.A.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:12-CV-164

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Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Plaintiffs Larry Allen and Vickie Bell appeal from a final judgment dismissing all of their claims on summary judgment, giving us jurisdiction under 28 U.S.C. § 1291. We affirm.

Allen and Bell are mortgagees on a mortgage now held by defendant-appellee JPMorgan Chase Bank, N.A. Allen and Bell fell behind on their mortgage payments. Once they were already several years behind on payments, they requested a loan modification through Chase Bank, which sent

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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a series of letters requesting documentation from them. These letters never promised modification, nor did they forbid sending the property into foreclosure until the bank had received the necessary documentation and commenced the modification evaluation process. Allen and Bell never presented evidence that they had submitted all necessary documentation to commence the modification evaluation process and thus preclude foreclosure. The letters promised that, if the property was sent into foreclosure prior to the evaluation process, it would not be sold. It is undisputed that the property has not been sold.

Allen and Bell sued in state court on a number of theories, and the case was removed to federal court. The defendants moved for summary judgment, which the district court granted, dismissing the suit with prejudice in a final judgment entered on August 12, 2013. The district court's associated Order carefully addressed all the relevant evidence and explained why each of Allen and Bell's claims should be dismissed on summary judgment.

On appeal, Allen and Bell essentially argue, as they did before the district court, that there is a genuine issue of material fact regarding the interpretation of Chase Bank's letters to them regarding the modification evaluation process. We disagree. Under our *de novo* review of the district court's grant of summary judgment, applying the same standards under Fed. R. Civ. P. 56 that the district court applied, we reach the same conclusions as the district court, for the same reasons stated in its August 12, 2013 Order. Accordingly, we affirm.