

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

No. 14-41398
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 14, 2015

Lyle W. Cayce
Clerk

RAQUEL VIDUARRI,

Plaintiff—Appellant,

versus

HOME DEPOT; CITIBANK (SOUTH DAKOTA),

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:13-CV-140

Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Raquel Viduarri appeals a judgment that her action against Home Depot and Citibank (South Dakota), alleging deceptive trade practices and fraud regarding a purchase of shingles, is barred by limitations. Viduarri relies on

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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the “discovery rule” to avoid application of limitations.

In a precise Memorandum & Order, the district court carefully explained that Viduarri reasonably could have discovered the factual basis for an alleged cause of action and that Viduarri did not present a genuine dispute of material fact. The summary judgment is **AFFIRMED**, essentially on the basis set forth by the district court.