

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

\_\_\_\_\_  
No. 15-20399  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

March 1, 2016

Lyle W. Cayce  
Clerk

GLEN SUMNER,

Plaintiff - Appellant

v.

BOARD OF ADJUSTMENT OF THE CITY OF SPRING VALLEY VILLAGE,  
TEXAS; CITY OF SPRING VALLEY VILLAGE, TEXAS; ART FLORES,

Defendants - Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:15-CV-244  
\_\_\_\_\_

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:\*

Glen Sumner appeals the district court's dismissal of his action, stemming from the alleged eroding of his property due to the actions of his neighbor and the City of Spring Valley Village, Texas. In the district court, Sumner asserted a claim under 42 U.S.C. § 1983 for violation of his procedural

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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due process rights, and further sought a declaratory judgment that the certificate of occupancy issued by the city to his neighbor be withdrawn.

Sumner first urges this court to find that the district court erred in ruling that he failed to state a protected property or liberty interest to support his procedural due process claim. He further contends that the district court's determination that his declaratory judgment claim was unsupported by an independent basis for federal jurisdiction was also error.

This court has considered this appeal on the basis of the briefs, the pertinent portions of the record, and the applicable law. Having done so, the judgment is affirmed, essentially for the reasons stated in the Order of the district court.

**AFFIRMED.**