

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10776
Conference Calendar

DONNA TOERPER,

Plaintiff-Appellant,

versus

U.S. DEPARTMENT OF HOUSING
& URBAN DEVELOPMENT,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-1005-D
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Donna Toerper appeals from the district court's grant of a motion for summary judgment in favor of the U.S. Department of Housing and Urban Development ("HUD") in her civil action for breach of contract. Toerper suggests that the court granted judgment without allowing her to complete discovery. Although Toerper had several months to gather evidence and conduct

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

discovery, she presented no evidence to establish a genuine issue of material fact with regard to her claim that HUD breached her mortgage contract in instituting foreclosure proceedings against her home. See Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986). The judgment of the district court is AFFIRMED.

AFFIRMED.