

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30592

NIA HOME HEALTH CARE, INC.,

Plaintiff-Appellant,

VERSUS

WHITNEY NATIONAL BANK AND JERRY TANNER,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(97-CV-1903-E)

December 10, 1999

Before DAVIS, JONES and MAGILL¹, Circuit Judges.

PER CURIAM:**

After reviewing the record and the briefs, we conclude that the district court correctly granted summary judgment and dismissed plaintiff's suit for the following reasons:

1. Nia's § 1981 action is time barred;
2. The summary judgment record does not support Nia's allegations of discrimination under the Equal Credit Opportunity Act (ECOA).
3. Whitney's March 5, 1996 letter notifying Nia of the

¹ Circuit Judge of the Eighth Circuit, sitting by designation.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

denial of its application for a line of credit was timely and adequate under the ECOA.

4. We have considered Nia's remaining arguments and conclude that they have no merit.

AFFIRMED.