

FILED

May 9, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-30996

VINCENT BRUNO;

Plaintiff-Appellant,

v.

MICHAEL STARR, RMS HOLDINGS, L.L.C., W. CHRISTOPHER BEARY, JAMES STARR, CAJUN RADIO CORPORATION, RUTH STARR, GREG GARRETT, ROBERT WILKINS, and WILKINS COMMUNICATIONS NETWORK, INC.;

Defendants-Appellees,

Appeals from the United States District Court
For the Eastern District of Louisiana

Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:¹

This case arises out of a dispute over the control of a radio station. Vincent Bruno, one co-owner of the station, brought RICO claims against Michael Starr, another co-owner of the station, and various others who Bruno alleges conspired to transfer the radio station to another company over his objection. Starr moved to dismiss Bruno's claims under Federal Rule of Civil Procedure 12(b)(6) for, *inter alia*, failure to plead the

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

continuity required of a RICO claim, and the district court granted the motion. Because Bruno's claims as plead are clearly foreclosed by this court's precedent, see, e.g., Delta Truck & Tractor, Inc. v. J.I. Case Co., 855 F.2d 241, 243-44 (5th Cir. 1988), cert. denied, 489 U.S. 1079 (1989) (finding no continuity in multiple predicate acts that "were part and parcel of a single, discrete and otherwise lawful commercial transaction"), we affirm on the basis of the district court's opinion.

AFFIRMED.