

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

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No. 13-11356  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 8, 2014

Lyle W. Cayce  
Clerk

DIANN IACOBUCCI; DANIEL BURGERS,

Plaintiffs-Appellants

v.

WELLS FARGO BANK, N.A.; U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for CitiGroup Mortgage Loan Trust 2006-WFHE4, Asset-Backed  
Pass-Through Certificates, Series 2006-WFHE4,

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:13-CV-1425

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Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:\*

This appeal arises in the context of a foreclosure that prompted Plaintiffs-Appellants Iacobucci and Burgers (“Plaintiffs”) to sue Defendants-Appellees (“Defendants”) in state court. After Defendants removed that suit to the district court, they filed a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss, relying principally on the Texas four-year limitations period for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-11356

constitutional claims of the nature asserted by Plaintiffs under §50(a)(6)(B) of Article XVI of the Texas Constitution.

In its carefully crafted Memorandum Opinion and Order of November 13, 2013, the district court patiently reviewed the law applicable to the facts asserted by Plaintiffs and concluded that their state constitutional claims are time barred and that they cannot maintain any of their ancillary claims, e.g., breach of contract, Texas Debt Collection Act, Texas Deceptive Trade Practices Act, and fraud and fraudulent misrepresentation. For essentially the same reasons cogently explained in its Order, the district court's dismissal of Plaintiffs' action is, in all respects,

**AFFIRMED.**