

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-13951
Non-Argument Calendar

D.C. Docket No. 1:13-cv-23281-JAL

GERARDO GONZALEZ,
YAMEL GONZALEZ,

Plaintiffs - Appellants,

versus

WELLS FARGO BANK, N.A.,
A National Bank Association,
f.k.a. Wachovia Bank,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(May 14, 2015)

Before MARCUS, WILSON, and WILLIAM PRYOR, Circuit Judges.

PER CURIAM:

Gerardo Gonzalez and Yamel Gonzalez appeal the dismissal of their complaint against Wells Fargo Bank as time-barred by Florida's four-year statute of limitations for fraud claims. Their complaint alleges that Wells Fargo fraudulently induced them to obtain a \$600,000 home equity loan for which they were unqualified and one which they were unable to pay back. They contend that the statute of limitations clock began to run either in (1) April of 2007 when they closed on the loan, or (2) July 2008 when William Martucci, Yamel's father, ceased making payments on the loan, which is when they either discovered or should have discovered the accrual of the fraud. Taking the allegations of the complaint as true and upon thorough review, we conclude that the district court was correct in dismissing the case pursuant to Federal Rule of Criminal Procedure 12(b)(6) because the Gonzalezes' complaint was filed more than four years after *either* scenario. Therefore, the judgment of the district court is

AFFIRMED.