

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1127

DTEX LLC,

Plaintiff - Appellant,

versus

BBVA BANCOMER, S.A. INSTITUCION DE BANCA
MULTIPLE, GRUPO FINANCIERO,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. G. Ross Anderson, Jr., District
Judge. (7:04-cv-02273-GRA)

Argued: November 29, 2006

Decided: January 17, 2007

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

ARGUED: Kevin Augustus Dunlap, PARKER, POE, ADAMS & BERNSTEIN,
L.L.P., Spartanburg, South Carolina, for Appellant. Frank Langston
Eppes, EPPES & PLUMBLEE, P.A., Greenville, South Carolina, for
Appellee. **ON BRIEF:** I. Faison Hicks, PARKER, POE, ADAMS &
BERNSTEIN, L.L.P., Charlotte, North Carolina, for Appellant.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Plaintiff Dtex, LLC (Plaintiff), a South Carolina Corporation, brought the present civil action against defendant BBVA Bancomer, S.A. (Defendant), a foreign financial institution headquartered in Mexico, in the United States District Court for the District of South Carolina. Plaintiff's action seeks damages under South Carolina common law and treble damages under the Racketeer Influenced and Corrupt Organization Act (RICO), 18 U.S.C. §§ 1961-1968. The gravamen of Plaintiff's complaint is that Defendant engaged in a course of criminal and corrupt practices to prevent Plaintiff from obtaining possession of certain equipment that Plaintiff had purchased in Mexico.

Of relevance on appeal, Defendant moved, pursuant to Federal Rule of Civil Procedure 12(b)(2), to dismiss Plaintiff's state law claims for lack of personal jurisdiction and moved, pursuant to Rule 12(b)(6), to dismiss Plaintiff's RICO claims for failure to state a claim upon which relief can be granted. After allowing Plaintiff to amend its complaint and submit a RICO case statement, which case statement the district court treated as further amending the complaint, and after considering the legal memoranda submitted and oral arguments presented by the parties, the district court granted both motions in a comprehensive and exhaustive opinion. Dtex, LLC v. BBVA Bancomer, S.A., 405 F. Supp. 2d 639 (D.S.C. Dec. 20, 2005).

Having thoroughly reviewed the district court's excellent opinion and the parties' briefs and submissions on appeal, and having heard oral argument in this case, we conclude that the district court did not err in granting Rule 12(b)(2) dismissal of Plaintiff's state law claims, nor did it err in granting Rule 12(b)(6) dismissal of Plaintiff's RICO claims. We, therefore, affirm on the reasoning of the district court. Dtex, LLC, 405 F. Supp. 2d at 643-52.

AFFIRMED