

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 18, 2008

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No. 08-20146  
Summary Calendar  
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Charles R. Fulbruge III  
Clerk

NICOLAS ESTIVERNE,

Plaintiff-Appellant,

v.

JPMORGAN CHASE BANK, N.A.; UNION SECURITY  
LIFE INSURANCE CO.; ABC INSURANCE COMPANY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:07-cv-00378  
\_\_\_\_\_

Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Nicolas Estiverne appeals the district court's summary judgment in favor of Defendant-Appellee JPMorgan Chase Bank, N.A. The only issue he identifies for our review is whether "the Trial Court erred in granting the Motion for Summary Judgment without allowing the documents that were to be introduced at the Trial to be filed." Estiverne's argument on this point is without merit—neither *Matsushita Electric Industrial Co., Ltd. v. Zenith Radio*

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\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Corp., 475 U.S. 574 (1986), which Estiverne cites, nor any other authority required the district court to permit him to file his trial exhibits before the court granted summary judgment. Liberally construed, Estiverne's brief also raises the question whether summary judgment was proper on the evidence before the district court. See *Price v. Digital Equip. Corp.*, 846 F.2d 1026, 1028 (5th Cir. 1988) (noting that we "liberally construe the briefs of pro se appellants"). We review this question de novo. *Bolton v. City of Dallas*, 472 F.3d 261, 263 (5th Cir. 2006). For essentially the reasons set forth in the district court's summary judgment order, we hold that "there is no genuine issue as to any material fact" and JPMorgan Chase is "entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). We therefore AFFIRM the district court's judgment.