

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 22, 2013

\_\_\_\_\_  
No. 12-30958  
Summary Calendar

Lyle W. Cayce  
Clerk

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US BANK NATIONAL ASSOCIATION, as Indentured Trustee on Behalf of  
the Noteholders of Aegis Asset Backed Securities Trust 2005-3, Mortgage  
Backed Notes,

Plaintiff-Appellee

v.

DONALD ANTHONY GAUDET, also known as Donald A. Gaudet, also  
known as Donald Gaudet,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:11-CV-1204

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:\*

Appellant Donald Gaudet seeks to annul an *in rem* foreclosure proceeding that was prosecuted by Appellee U.S. Bank National Association pursuant to an executory proceeding under Louisiana law. The proceeding resulted in a judicial sale of immovable property mortgaged to U.S. Bank by Mr. Gaudet. Mr. Gaudet

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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also seeks an award of damages and attorney's fees for the alleged wrongful seizure and sale of that property. The district court granted U.S. Bank's motion to dismiss under Rule 12(b)(6). We review a district court's 12(b)(6) dismissal *de novo*. *Wampler v. Sw. Bell Tel. Co.*, 597 F.3d 741, 744 (5th Cir. 2010). We affirm for the reasons given in the district court's well-reasoned opinion. In addition to those reasons, we note that we are not permitted to entertain Mr. Gaudet's requests for us to ignore existing Louisiana civil and case law.

AFFIRMED.