

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

No. 15-20690
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 16, 2016
Lyle W. Cayce
Clerk

E. DRAKE,

Plaintiff - Appellant

v.

STATE OF NEW YORK; GOVERNOR ANDREW M. CUOMO,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-3124

Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

Eric Drake, pro se, appeals the district court's dismissal of his lawsuit against the State of New York and its governor, Andrew Cuomo. Drake raises a series of claims. Even accepting Drake's factual allegations as true, all of his claims are implausible. Thus, the district court properly dismissed his claims. *See Century Sur. Co. v. Blevins*, 799 F.3d 366, 372 (5th Cir. 2015) ("In the Fifth

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Circuit, fairness requires that a litigant have the opportunity to be heard before a claim is dismissed, *except where the claim is patently frivolous.*” (emphasis added)). AFFIRMED.