

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

No. 16-50692

Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 23, 2017

Lyle W. Cayce
Clerk

TRAVIS R. PHILLIPS,

Plaintiff - Appellant

v.

JP MORGAN CHASE BANK, N.A.,

Defendant - Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:16-CV-287

Before HIGGINBOTHAM, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:*

For the fifth time, Travis Phillips (“Phillips”) filed suit in an effort to block foreclosure on his home by the lender, JP Morgan Chase Bank, N.A. (“Chase”). After taking judicial notice of materials from the fourth lawsuit, the district court granted Chase’s motion to dismiss for failure to state a claim. On appeal, Phillips challenges only the district court’s adverse decision on Phillips’s claim that the attempted foreclosure is untimely.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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In the district court, Phillips argued that Chase previously accelerated the debt in question and then failed to foreclose within the relevant limitations period. Chase argued, and the district court agreed, that its April 11, 2014 letter represented an abandonment of the earlier acceleration and that Phillips's efforts to distinguish relevant precedents are unavailing. We agree with the district court. *See Boren v. U.S. Nat'l Bank Assoc.*, 807 F.3d 99, 106 (5th Cir. 2015).

AFFIRMED.