

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-4040

**FILED**  
**Sep 27, 2012**  
DEBORAH S. HUNT, Clerk

FRANK BOGGIO,  
Plaintiff - Appellant,

v.

USAA FEDERAL SAVINGS BANK,  
Defendant - Appellee.

Before: MERRITT, MOORE, and McKEAGUE, Circuit Judges.

**JUDGMENT**

On Appeal from the United States District Court  
for the Southern District of Ohio at Cincinnati.

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court is REVERSED, and the case is REMANDED to the district court consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**



Deborah S. Hunt, Clerk