

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 03-13795
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
August 12, 2005
THOMAS K. KAHN
CLERK

D. C. Docket No. 02-20778-CV-ASG

JOHN MICHAEL ARWOOD,
MARY LONG, et.al,

Plaintiffs-Appellants,

versus

CITY OF CORAL GABLES,
a municipality,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(August 12, 2005)

Before TJOFLAT, DUBINA and BLACK, Circuit Judges.

PER CURIAM:

Appellants appeal the district court's grant of the City of Coral Gables' motion to dismiss their complaint. After reviewing the briefs and record on appeal, we affirm for the reasons stated in the district court's well-reasoned order dated May 14, 2003.¹

AFFIRMED.

¹ We reject Appellants' contention the district court erred by considering facts developed in *Allocco v. Coral Gables*, 221 F. Supp. 2d 1317 (S.D. Fla. 2002), *aff'd* 88 F. Appx. 380 (Table) (11th Cir. 2003), in deciding the motion to dismiss, thus converting the motion to dismiss into a summary judgment motion. The district court considered facts from *Allocco* as they were identical to the allegations in the *Arwood* complaint or were relevant to the determination of whether there was any set of facts that could enable Appellants to amend their complaint to successfully withstand a motion to dismiss.