

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-16187
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAR 30, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 05-00237-CV-W-S

BARBARA HOLLAND,
d.b.a. Choice Video,

Plaintiff-Appellant,

versus

MGA, INC., and all Holding Companies and
affiliated Entities d.b.a. Movie Gallery,
UNITED PARCEL SERVICE, INC., (UPS),
SELECT MEDIA SERVICES, LLC,
MILE HIGH MEDIA, INC.,
LFP, INC.,
DIGITAL SIN, INC.,
FRASERSIDE HOLDING, LTD.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Alabama

(March 30, 2007)

Before BLACK, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

Barbara Holland (“Holland”) appeals the district court’s order granting motions to dismiss filed by defendants, MGA, Inc.; United Parcel Service, Inc.; Select Media Services, LLC; LFP, Inc.; Mile High Media, Digital Sin, Inc.; and Fraserside Holding, LTD. Holland’s counsel filed six identical suits, including this one, against the same defendants in district courts in Alabama and Georgia. We previously affirmed the district court’s dismissal in two of the suits: *Carter v. MGA, Inc.*, Nos. 05-15402 & 05-16523 (11th Cir. Jul. 13, 2006) and *Clark v. MGA, Inc.*, No. 06-12857 (11th Cir. Nov. 29, 2006). A third case is currently pending before us: *Whitaker v. MGA, Inc.*, No. 06-15025 (11th Cir. filed Sep. 13, 2006). Holland’s claims and allegations are identical to those in *Carter*, in which we affirmed the district court’s dismissal for failure to state a claim.¹ Accordingly, we AFFIRM the judgment of the district court for the reasons stated in *Carter*, Nos. 05-15402 & 05-16523 (11th Cir. Jul. 13, 2006).²

¹The argument in Holland’s brief in this appeal is *identical* to the arguments in the briefs Holland’s counsel submitted on appeal in *Carter*, *Clark*, and *Whitaker*.

²We also grant appellees’ motions for damages and costs filed pursuant to Fed. R. App. P. 38 and remand this case to the district court to determine the fees and costs to be awarded.