

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-14115

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
APRIL 20, 2010
JOHN LEY
CLERK

D. C. Docket No. 08-01384-CV-ORL-18-DAB

FERNANDO SIMOES,

Plaintiff-Appellant,

versus

WINTERMERE POINTE HOMEOWNERS
ASSOCIATION, INC.,

Defendant-Appellee.

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

(April 20, 2010)

Before DUBINA, Chief Judge, MARTIN and COX, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant Fernando Simoes sued Defendant-Appellee Wintermere
Pointe Homeowners Association in federal district court, alleging violations of 42

U.S.C. § 1981 and the Fair Housing Act, 42 U.S.C. § 3617, and asking for declaratory relief. After the district court granted summary judgment in favor of the homeowners association on all claims, Simoes perfected this appeal.

This court reviews *de novo* an order granting summary judgment. *Reeves v. C.H. Robinson Worldwide, Inc.*, 594 F.3d 798, 807 (11th Cir. 2010).

After reading the parties' briefs and having the benefit of oral argument, we conclude that the district court properly granted summary judgment to the Homeowners Association on Simoes' § 1981 and FHA claims because Simoes failed to offer sufficient evidence of intentional discrimination on either claim. Because we conclude that Simoes' "statistical" evidence is too unsubstantiated and conclusory to raise an inference of discrimination, Simoes is left with one comment by an officer of the homeowners association as his sole basis to prove his claims. Without more, Simoes has not created a jury question. Accordingly, we affirm the district court's grant of summary judgment to the Homeowners Association.

AFFIRMED.