

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-15868
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 29, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 06-00635-CV-WS-B

VICTORIA NICHOLSON,
SAM NICHOLSON,

Plaintiffs-Appellants,

versus

U.S. DEPARTMENT OF AGRICULTURE,

Defendant-Appellee.

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

(April 29, 2008)

Before TJOFLAT, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

The complaint in this case alleges that the Department of Agriculture erroneously, arbitrarily and with intent to discriminate against Victoria Nicholson and her husband placed Victoria Nicholson's loan in foreclosure in violation of the Equal Credit Opportunity Act, 15 U.S.C. § 1691 et seq. The Secretary moved the district court for summary judgment, and the court granted his motion on two alternative grounds: the claim was time-barred, and the Nicholsons failed to make out a prima facie case of discrimination.

The Nicholsons now appeal. We agree that the claim is time-barred and that the Nicholsons failed to establish a prima facie case. The district court's judgment is, accordingly,

AFFIRMED.