

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11923
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 7, 2011 JOHN LEY CLERK
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D.C. Docket No. 8:07-cv-01779-EAK-TGW

GARY W. NASH,
BEVERLY J. NASH, his wife,

Plaintiffs-Appellants,

versus

PUBLIX SUPER MARKETS, INC.,
DIVINE PROVIDENCE, INC., d/b/a
Divine Providence Food Bank/America's
Second Harvest of Tampa Bay,
WILLIAM H. MILES,

Defendants-Appellees.

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

(January 7, 2011)

Before TJOFLAT, WILSON, and HILL, Circuit Judges.

PER CURIAM:

This is an appeal from the grant of defendants's/appellees's, Publix Super Markets, Inc. (Publix), and Divine Providence, Inc., d/b/a Divine Providence Food Bank/America's Second Harvest of Tampa Bay (Divine Providence), motions for summary judgment against plaintiffs/appellants, Gary W. Nash (Nash) and Beverly J. Nash, on their claims for malicious prosecution and loss of consortium. The claims arose from a prior criminal prosecution of Nash by the Office of State Attorney on a 161-count indictment for grand theft, dealing in stolen property, organized fraud, conspiracy to commit RICO violation, and RICO violation, of which, in a non-jury trial, Nash was found not guilty on all counts.

We have reviewed the record in this appeal, the briefs and the arguments of counsel. Finding no error, we affirm the judgment of the district court.

AFFIRMED.