

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 11-10149  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEP 27, 2011 JOHN LEY CLERK
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D. C. Docket No. 8:09-cv-01050-TBM

PATRICIA DIANE MEEKS,

Plaintiff-Appellant,

versus

MURPHY AUTO GROUP, INC.,  
d.b.a. Toyota of Winter Haven,

Defendant-Appellee.

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

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(September 27, 2011)

Before BARKETT, MARCUS and BLACK, Circuit Judges.

PER CURIAM:

Patricia Meeks appeals the district court's grant of summary judgment in favor of Murphy Auto Group d/b/a/ Toyota of Winter Haven (MAG). Meeks alleges MAG violated the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681 *et seq.*, and the Equal Credit Opportunity Act, 15 U.S.C. §§ 1691, *et seq.*, and Regulation B, 12 C.F.R. §§ 202.1, *et seq.* (ECOA). Meeks argues the district court erred: (1) when it construed the credit contract signed by Meeks and MAG; and (2) when it applied the FCRA, the ECOA, and the Truth in Lending Act (TILA), 15 U.S.C. §§ 1601 *et seq.*<sup>1</sup>

After reviewing the parties' briefs and the record, we affirm the district court's thorough and well-reasoned December 15, 2010, opinion. The district court did not err when it construed the credit contract signed by Meeks and MAG, nor did it err when it applied the FCRA, the ECOA, and the TILA to Meeks' claims. The district court was correct that MAG acted with a permissible purpose under the FCRA in each of the credit pulls at issue in this case and that MAG was not obligated to provide Meeks with a notice of adverse action under the ECOA.

Further, insofar as Meeks argues MAG violated § 1681b(f)(2) of the FCRA, she failed to raise this argument before the district court and we will not consider

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<sup>1</sup>Meeks also argued the district court erred by failing to find two Florida statutes unconstitutional, but then expressly withdrew this argument in her Reply Brief.

it now. *See Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331 (11th Cir. 2004) (“This Court has repeatedly held that an issue not raised in the district court and raised for the first time in an appeal will not be considered by this court.”) (quotations omitted).<sup>2</sup>

**AFFIRMED.**

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<sup>2</sup>Meeks’ Motion for Leave to File Out of Time Reply Brief filed on May 5, 2011, is granted.