

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 13-13929

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D.C. Docket No. 1:11-cv-23585-DLG

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

versus

STEWART A. MERKIN,

Defendant-Appellant.

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

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(January 13, 2016)

Before PRYOR, Circuit Judge, and WOOD,<sup>\*</sup> Chief District Judge.<sup>\*\*</sup>

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<sup>\*</sup> Honorable Lisa Godbey Wood, Chief United States District Judge for the Southern District of Georgia, sitting by designation.

<sup>\*\*</sup> Honorable B. Avant Edenfield, United States District Judge for the Southern District of Georgia, sat by designation as a member of the panel at oral argument, but is now deceased. We therefore decide this case as a quorum. 28 U.S.C. § 46(d).

PER CURIAM:

Stewart A. Merkin (“Merkin”) appeals the district court’s entry of summary judgment in favor of the Securities and Exchange Commission on its claims of securities fraud in violation of federal securities law. On appeal, Merkin argues that the district court erred by ignoring key exculpatory evidence and overlooking genuine factual disputes with regard to each of the elements of securities fraud. After careful consideration of the record and the parties’ briefs, and with the benefit of oral argument, we agree with the decision of the district court and thus **AFFIRM.**