

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 24, 2017

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALMA L. WAUGH,

Defendant - Appellant,

and

COMANCHE COUNTY TREASURER;
COMANCHE COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendants.

No. 17-6171
(D.C. No. 5:17-CV-00394-F)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **HARTZ, HOLMES, and BACHARACH**, Circuit Judges.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Defendant Alma L. Waugh appeals from the foreclosure judgment entered against her by the United States District Court for the Western District of Oklahoma. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

In 1993, Ms. Waugh executed a promissory note for \$42,280.00 to the Farmers Home Administration, secured by a mortgage on her home. After she failed to make required payments, the United States brought suit to foreclose on Ms. Waugh's note and mortgage. It filed a motion for summary judgment supported by the note, the mortgage, an affidavit, and an itemization of the amount due. Ms. Waugh did not respond in opposition to the motion; and the court reviewed the record and granted the motion.

We review the district court's grant of summary judgment de novo, viewing all facts in the light most favorable to the nonmovant. *See Fye v. Okla. Corp. Comm'n*, 516 F.3d 1217, 1222–23 (10th Cir. 2008). Summary judgment is appropriate “if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). We see no error in granting the judgment. Ms. Waugh cites no record evidence that calls into question the validity of the note or the mortgage, or her failure to pay what she was required to pay.

We **AFFIRM** the district court's grant of summary judgment.

Entered for the Court

Harris L Hartz
Circuit Judge