

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-50325
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2014

Lyle W. Cayce
Clerk

BETTY KOGER; WILLIAM KOGER, JR.,

Plaintiffs - Appellants

v.

CITIMORTGAGE, INCORPORATED; LOUISE GRAHAM; FEDERAL
HOME LOAN MORTGAGE CORPORATION,

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:14-CV-00106

Before BENAVIDES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Plaintiffs Betty Koger and William Koger, Jr. appeal from their claim filed in district court against Defendants CitiMortgage, Inc., Louise Graham, and Federal Home Loan Mortgage Corp. regarding the foreclosure of their property. Before the district court, the Kogers asserted claims of quiet title, fraudulent presentment, violations of the Texas Debt Collection Act (“TDCA”),

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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and promissory estoppel. The district court granted the Defendants' Federal Rule of Civil Procedure 12(b)(6) motion to dismiss on all claims.

On appeal, the Kogers claim that the district court erred in determining that 1) possession of the promissory note is not required to carry out a foreclosure, 2) Defendants qualify as a "mortgage servicer" under § 51.0001 of the Texas Property Code, 3) Mortgage Electronic Registration Systems, Inc. could validly assign the deed of trust, 4) action taken by Louise Graham prior to her official appointment as substitute trustee was valid, 5) Plaintiffs did not sufficiently plead their quiet title claim, 6) Plaintiffs failed to sufficiently plead their fraudulent presentment claim, and 7) a promissory estoppel claim was unavailable.

After considering the briefs and the record on appeal, we find no merit in the Kogers' claims and agree with the resolution of the issues made by the district court. The district court's opinion of March 5, 2014 clearly, exhaustively, and correctly addresses the Kogers' claims, and we see no value in further writing. We AFFIRM for the reasons given by the district court. *See Koger v. CitiMortgage, Inc.*, No. A-14-CA-106-SS, 2014 WL 897339 (W.D. Tex. Mar. 5, 2014).¹

¹ Because the Kogers did not adequately brief their TDCA claim on appeal in accordance with the Federal Rules of Appellate Procedure, we find that this claim has been abandoned. *See* FED. R. APP. P. 28(a)(8). To the extent the Kogers claim on appeal that the district court applied the wrong standard, we find no merit. The district court neither articulated nor applied the wrong standard for ruling on the 12(b)(6) motion.