

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50726
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FREDERICK ELIAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-98-CV-1192-HG

April 12, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Frederick Elias appeals the summary judgment in favor of the United States and the order denying Elias' motion for relief from the judgment. Elias contends that the district court did not consider the evidence that he presented to controvert the United States' contention concerning the amount due.

We review the grant of a summary judgment motion *de novo*. *Fraire v. City of Arlington*, 957 F.2d 1268, 1273 (5th Cir. 1992). If the moving party files a properly supported motion for a summary judgment, the burden shifts to the nonmovant to provide

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

affidavits or other competent summary judgment evidence that sets forth specific facts showing the existence of a genuine issue for trial. Fed. R. Civ. P. 56(e). The nonmovant cannot satisfy his summary judgment burden with "mere allegations or denials of the adverse party's pleading." *Id.*

The United States filed a properly supported summary judgment motion showing the amount owed by Elias. Elias refuted the amount due with unverified allegations and uncertified copies of correspondence with St. Mary's University and the Department Of Education.

Elias did not refute the United States' summary judgment motion with competent controverting evidence. See Fed. R. Civ. P. 56(e). Accordingly, the district court's judgment is affirmed.

AFFIRMED.