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Category:Romanian non-fiction writers Category:Year of birth missing Category:2017 deaths Category:Date of birth missing Category:Date of death missing Category:Place of birth missing, 112 S.Ct. 1510, 118 L.Ed.2d 307 (1992). In this case, every instance that Mr. Bates claimed that he was defrauded occurred outside the one year statute of limitations. Thus, the court finds that the plaintiff has failed to state a claim for fraud and must be dismissed. See *Bivens Gardens Office Building, Inc. v. Barnett Bank*, 928 F.2d 1432, 1436-1437 (4th Cir.1991) (although the plaintiff did not know that there had been a breach of a promise, the plaintiff was under a continuing duty to exercise reasonable care in making his investment decision). Moreover, the court finds that the plaintiff has failed to assert the requisite quantum of proof needed to sustain a jury verdict on a claim of fraud.[5]

Accordingly, the court GRANTS the defendant's motion for summary judgment. NOTES [1] The court notes that the Constitution also provides in Article I, § 10, clause 1 that no state shall "deprive any person of life, liberty or property, without due process of law." In order to properly plead this claim, the plaintiff must plead the facts that make out a denial of a constitutional right. [2] The defendant asserts that the plaintiff's claim is barred by the doctrine of judicial estoppel. The court need not reach the issue of judicial estoppel because the court finds that the plaintiff has failed to state a claim upon which relief may be granted. [3] The court notes that the plaintiff has failed to indicate the date that he discovered that the defendant was not acting in a fiduciary capacity. The court will accept the date of filing of this lawsuit as the date on which the plaintiff discovered the fraud. See *Gluck v. Anheuser-Busch, Inc.*, 108 N.M. 722, 727, 779 P.2d 99, 104 (1989) ("It is not necessary for the employee to discover that he has a cause of action before the statute of limitations begins to run against him, but it is necessary that he discover the facts essential to its commencement.") (citing *Russell v. Abbott Laboratories, Inc.*, 410 So.2d 776, 778 (La.1982 595f342e71

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