

June 19, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60156
Summary Calendar

FRED RAGIN,

Petitioner-Appellant,

versus

EMMITT SPARKMAN,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:01-CV-446-D

Before DAVIS, DEMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:*

Fred Ragin, Mississippi state prisoner # R0136, requests a certificate of appealability (COA) to appeal the denial of his FED. R. CIV. P. 60(b) motion, which alleged that the district court did not sign the order dismissing, as time-barred, Ragin's 28 U.S.C. § 2254 petition. A COA is not required in this appeal. See Dunn v. Cockrell, 302 F.3d 491, 492 (5th Cir. 2002), cert. denied, 123 S. Ct. 1208 (2003).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Contrary to Ragin's argument, the district court's order, adopting the magistrate judge's report and recommendation and dismissing Ragin's habeas petition, was signed and entered into the district court record on February 20, 2002. Ragin has not shown error in the district court's denial of FED. R. CIV. P. 60(b) relief. See Wilson v. Atwood Group, 725 F.2d 255 (5th Cir. 1984) (en banc); see also FED. R. APP. P. 4(a)(6).

The district court's denial of Ragin's FED. R. CIV. P. 60(b) motion is AFFIRMED. Ragin's request for a COA is DENIED AS UNNECESSARY. His motion for IFP also is DENIED.