

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20176
Summary Calendar

PAUL KOLACEK,

Plaintiff-Appellant,

versus

JOHNNY J. KLEVENHAGEN, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Texas
(CA-H-91-1196)

November 30, 1995

Before KING, GARWOOD and DENNIS, Circuit Judges.*

PER CURIAM:

Paul Kolacek appeals from the district court's dismissal of his Fed. R. Civ. P. 60(b) motion questioning the district court's dismissal of his 42 U.S.C. § 1983 action. Assuming timely notice of appeal, Kolacek has in any event not demonstrated that the district court abused its discretion in dismissing the Rule 60(b) motion, whether that filed January 3, 1995, or that filed January 25, 1995. Accordingly, we affirm.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.