

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40007  
Summary Calendar

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JAMES EDWARD WOODS,

Plaintiff-Appellant,

versus

TDC MEDICAL DEPARTMENT,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:95-CV-136  
- - - - -

April 17, 1996

Before KING, HIGGINBOTHAM, and STEWART, Circuit Judges.

PER CURIAM:\*

This is an appeal from the magistrate judge's denial of Woods' postjudgment motion for reconsideration, brought pursuant to Fed. R. Civ. P. 60(b), of the magistrate judge's dismissal without prejudice of Woods' civil rights complaint for failure to prosecute. Woods contends that, because he did not receive the magistrate judge's order informing him that he had failed to exhaust his administrative remedies, the magistrate judge abused her discretion by denying his motion. Assuming that Woods'

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Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

assertion is true, in his Rule 60(b) motion Woods still failed to comply with the magistrate judge's order that he show that he had exhausted his administrative remedies. As Woods apparently has failed to exhaust his administrative remedies, or at least has failed to show the magistrate judge that he has exhausted those remedies, the magistrate judge did not abuse her discretion by denying Woods' Rule 60(b) motion. See Aucoin v. K-Mart Apparel Fashion Corp., 943 F.2d 6, 8-9 (5th Cir. 1991).

AFFIRMED.