

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50082
Summary Calendar

MARY LOU KIRSCHBAUM,

Plaintiff-Appellant,

versus

WILLIAM J. PERRY, Secretary,
U. S. Department of Defense, and his
successors in Office; WILLIAM REED,
Director, U.S. Defense Contract Audit
Agency, and his successors in Office;
JOHN McINTOSH, Manager, Austin Branch,
U. S. Defense Contract Audit Agency,
and his successors in Office,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(A-95-CV-269)

July 24, 1996

Before SMITH, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:*

Mary Lou Kirschbaum appeals the dismissal, for failure to prosecute, of her employment discrimination claim. However, she contends only that the district court abused its discretion by denying her FED. R. CIV. P. 60(b) motion for reinstatement (filed more than 10 days after entry of the order of dismissal).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Kirschbaum filed a timely notice of appeal from the order of dismissal, but did not file a notice of appeal from the order denying her 60(b) motion. Accordingly, we lack jurisdiction to consider the denial of that motion. See, e.g., *Williams v. Chater*, ___ F.3d ___, ___, 1996 WL 361223 (5th Cir. 1996). Although the appeal from the order of dismissal is properly before us, Kirschbaum has not presented a basis for reversal. *Id.*

Therefore, the judgment is

AFFIRMED.