

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 97-40296
Summary Calendar

TIMOTHY A. AGUILAR,

Plaintiff-Appellant,

versus

JAMES MEYER, Doctor at Coffield Unit
ET AL.,

Defendants,

UNIDENTIFIED RIVERS, Sgt. at Coffield
Unit; UNIDENTIFIED CHAMBERS, Sgt. at
Coffield Unit,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-527

June 11, 1998

Before JONES, SMITH and STEWART, Circuit Judges

PER CURIAM:*

Texas state prisoner Timothy A. Aguilar, no. 647166, appeals the magistrate judge's denial of his Fed. R. Civ. P. 60(b) motion to reconsider the final judgment dismissing with prejudice his 42

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S.C. § 1983 action. Aguilar argues that the magistrate judge lacked jurisdiction to deny the Rule 60(b) motion. Aguilar's jurisdictional argument is the only challenge he makes to the magistrate judge's denial of his Rule 60(b) motion.

The magistrate judge had jurisdiction to decide the Rule 60(b) motion by virtue of the fact that at the beginning of the action the parties consented to have the magistrate judge decide any and all proceedings and the district court issued an order of reference referring the case to the magistrate judge. See 28 U.S.C. § 636(c)(1); Parks v. Collins, 761 F.2d 1101, 1106 (5th Cir. 1985). The magistrate judge's denial of Aguilar's Rule 60(b) motion is AFFIRMED.

Aguilar's motion to strike the appellees' letter brief for failure to comply with federal and local rules of civil procedure is DENIED.

AFFIRMED. MOTION DENIED.