

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60663
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REAL PROPERTY AND RESIDENCE AT 1118 WOODLEA STREET,
ETC., YAZOO CITY, MISSISSIPPI, INCLUDING BUT NOT
LIMITED TO: ALL IMPROVEMENTS, STRUCTURES, BUILDINGS,
FIXTURES, FURNISHINGS, GOODS, WARES, APPLIANCES,
JEWELRY, GOLD, SILVER ARTIFACTS, IMPLEMENTS,
MACHINERY, EQUIPMENT AND PROPERTY OF EVERY
DESCRIPTION; APPURTENANCES SITUATED THEREON
AND ALL CONTENTS THEREIN,

Defendant,

EDWARD HANSERD,

Claimant-Appellant.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:90-CV-22 B
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Edward Hanserd (#14178-039), a federal prisoner, appeals the
district court's order denying his motion to vacate or set aside

* 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this opinion should not be published and is not precedent except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.

its default judgment of forfeiture under Rules 55(c) and 60(b)(4) of the Federal Rules of Civil Procedure. Hanserd contends that he was the true owner of the forfeited property and that he was never notified of the pendency of the forfeiture proceedings. This court reviews "a district court's refusal to set aside an entry of default under Fed. R. Civ. P. 55(c) or to set aside a default judgment under Fed. R. Civ. P. 60(b) under an abuse of discretion standard." CJC Holdings, Inc. v. Wright & Lato, Inc., 979 F.2d 60, 63 (5th Cir. 1992). There is no basis for concluding that the Government knew that the address to which notice was mailed was not likely to result in Hanserd receiving actual notice of the forfeiture. No abuse of discretion has been shown. The district court's order is

AFFIRMED.