

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50226
Conference Calendar

DENNIS JOE WEATHERLY,

Plaintiff-Appellant,

versus

CHIEF OF POLICE OF ROUND ROCK;
UNKNOWN DETECTIVE, ROUND ROCK;

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CV-61
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Dennis Joe Weatherly, Texas prisoner # 653950, appeals the district court's denial of his motion to extend time to file a motion for a new trial. The district court lacked the authority to extend the time for filing Weatherly's FED. R. CIV. P. 59(b) motion. FED. R. CIV. P. 6(b); *Fairley v. Jones*, 824 F.2d 440, 442 (5th Cir. 1987). Thus, this appeal lacks an arguable basis in law and is frivolous. See *Howard v. King*, 707 F.2d. 215, 219-20

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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(5th Cir. 1983). Because the appeal is frivolous, it is
DISMISSED. See 5TH CIR. R. 42.2.