

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20562
Conference Calendar

LEONARD THOMAS EVANS, SR.,

Plaintiff-Appellant,

versus

THE CITY OF BAYTOWN POLICE DEPARTMENT;
SHAFFER, Chief of Police; SARGEANT BUCKLEY;
RON MOSER, Investigator; R. MERLIN, Investigator;
D. LOPEZ, Investigator,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CV-1699

August 23, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Leonard Thomas Evans, Sr., (TDCJ # 683153) appeals the district court's denial of his "subsequent application for petition of section 1983, 42 U.S.C., pursuant to discovery of new evidence." Based on what he alleged was newly discovered evidence, Evans sought to "re-open" the 1997 judgment dismissing his civil rights complaint.

Insofar as Evans sought relief under Fed. R. Civ. P.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

60(b)(2), which provides for relief from a judgment based on newly discovered evidence, the motion was not timely. See Transit Casualty Co. v. Security Trust Co., 441 F.2d 788, 790-91 (5th Cir. 1971). Insofar as he sought relief under Rule 60(b)(6), which provides for relief for "any other reason justifying relief from the operation of the judgment[,]" Evans has demonstrated no extraordinary circumstances warranting relief from the judgment. See Batts v. Tow-Motor Forklift Co., 66 F.3d 743, 747 (5th Cir. 1995). Evans's motion to file a supplemental reply brief is DENIED.

AFFIRMED; MOTION DENIED.