

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

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2009

No. 08-20378
Summary Calendar

Charles R. Fulbruge III
Clerk

NORIS G. ROGERS,

Plaintiff-Appellant,

v.

KBR TECHNICAL SERVICES, INC.,

Defendant-Appellee.

Appeal from the United States United States District Court
for the Southern District of Texas
4:06-CV-1389

Before DAVIS, GARZA and PRADO, Circuit Judges..

PER CURIAM:*

This is an appeal from the district court's order denying appellant's Rule 60(b)(6) motion.

On June 9, 2008, we affirmed the district court's order confirming the arbitration award entered in this case. *See Noris G. Rogers v. KBR Technical Services Inc.*, No. 08-20036 (5th Cir. June 9, 2008), for a discussion of the issues presented. While that case was on appeal, appellant filed a Rule 60(b) motion

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

seeking relief on grounds of newly submitted evidence. The district court denied the motion because that evidence was available to appellant before the district court rendered its original judgment. Appellant, in his Rule 60(b) motion simply repeated arguments he had already made to the district court

Our review of the record and briefs persuades us that the district court did not abuse its discretion in denying the Rule 60(b) motion.

AFFIRMED.