

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 00-10262

(Summary Calendar)

SEARCY M FERGUSON, JR,

Plaintiff - Appellant,

versus

FEDERAL DEPOSIT INSURANCE CORPORATION,
Etc; ET AL

Defendants

FEDERAL DEPOSIT INSURANCE CORPORATION,
in its Corporate capacity as Liquidator of the Union Bank
and Trust, as receiver for Union Bank and Trust; SMS
FINANCIAL, L L C

Defendants - Appellees.

Appeals from the United States District Court
For the Northern District of Texas
USDC No. 3:91-CV-2494-D

February 5, 2001

Before EMILIO M. GARZA, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Searcy Ferguson appeals the district court's order that his Rule 60(b)(3) motion to vacate is time-barred. Fed.R.Civ.Pro. 60(b)(3). We affirm. For the reasons stated by the district court, Ferguson's "Rule 60(b)" motion is construed as a Rule 60(b)(3) motion. Ferguson did not bring this motion within the time limitation established by the Rule. *See* Fed.R.Civ.Pro. 60(b) (providing that a Rule 60(b)(3) motion must be made "not more than one year after the judgment, order, or proceeding was entered or taken."). Accordingly, Ferguson's motion to vacate is time-barred.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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