

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-41001  
Summary Calendar

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CONNECTICUT GENERAL LIFE INSURANCE COMPANY; LIFE INSURANCE COMPANY  
OF NORTH AMERICA,

Plaintiffs,

versus

DESIREE ANN SHAW, ET AL,

Defendants,

DESIREE ANN SHAW,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:98-CV-66

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February 7, 2003

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Desiree Ann Shaw is appealing the district court's order denying her motion to reinstate an administratively closed interpleader action seeking the proper distribution of insurance benefits due upon the death of Shaw's husband, Eddie Royce Shaw,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

whom the appellant was convicted of murdering. Shaw asserts that she possesses evidence that will establish her innocence and entitle her to receive the insurance benefits. However, in the absence of proof that her conviction has been vacated or set aside, Shaw's claims of actual innocence are not relevant to the district court's decision not to reinstate the administratively closed case.

Because Shaw has failed to demonstrate that the district court abused its discretion in denying her motion to reinstate the administratively closed case, the order is AFFIRMED.<sup>1</sup>

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<sup>1</sup> See *McKnight v. Blanchard*, 667 F.2d 477, 479 (5th Cir. 1982).