

October 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-10055
Conference Calendar

ANDRES MONTOYA REYNA, SR., ELIDA REYNA;
ANDRES MARES REYNA, JR., REBECCA REYNA,

Plaintiffs-Appellants,

versus

JOHN ASHCROFT, Attorney General of the United States;
RICHARD A. MEDEMA, Senior Attorney for the Drug Enforcement
Administration Office of Domestic Operations Asset Forfeiture
Sections; MIA MOORE, DEA Agent; COLIN J. SULLIVAN,
Officer-Detective,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:01-CV-841-A

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Andres Mares Reyna, Rebecca Reyna, Andres Montoya Reyna, and Elida Reyna (collectively, the Reynas) have appealed the district court's denial of a FED. R. CIV. P. 60(b) motion for relief from judgment. Because the Reynas filed an appeal from the challenged judgment prior to filing their Rule 60(b) motion and this court had not authorized the district court to grant Rule 60(b) relief,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the district court lacked jurisdiction to grant the motion. Travelers Ins. Co. v. Liljeberg Enters., Inc., 38 F.3d 1404, 1408, n.3 (5th Cir. 1994).

This appeal is without arguable merit and we therefore dismiss it as frivolous. See 5TH CIR. R. 42.2; Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

APPEAL DISMISSED.