

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 97-20917

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In the Matter Of: MBM INVESTMENT REAL ESTATE LP;  
MATZ REAL ESTATE SERVICES INC;  
INTERMARQUE AUTOMOTIVE PRODUCTS  
INCORPORATED,

Debtors.

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STEWART A. FELDMAN; MARLA B MATZ, D.D.S.,

Appellants,

versus

NIEL MORGAN,

Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
(H-96-CV-2489)

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December 11, 1998

Before JOLLY, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Appellants, Stewart Feldman and Marla Matz (the “Feldmans”), appeal the district court’s denial of their motion to vacate pursuant to FED R. CIV. P. 60(b). This appeal involves the second Rule 60(b) motion filed by the Feldmans. The district court denied their first Rule 60(b) motion, and we affirmed that decision in an unpublished opinion. *See Feldman v. MBM Investment*, No. 97-20098 (5<sup>th</sup> Cir. Dec. 10, 1998). In their second motion, the Feldmans raise no new arguments, nor do they set forth any new basis for relief. Accordingly, we hold that the district court did not abuse its discretion in denying their second Rule 60(b) motion. **AFFIRMED.**

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 R. 47.5, we have determined that this opinion should not be published and is not precedent, except under the limited circumstances set forth in 5TH CIR.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

