

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50184
Summary Calendar

BANK ONE TEXAS N.A.,

Plaintiff-Appellee,

VERSUS

ETSE INCORPORATED; ELY EYAL;
SHARON EYAL; TALY EYAL,

Defendants-Appellants.

Appeal from the United States District Court
for the Western District of Texas
(MO-98-CV-57)

January 21, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges

PER CURIAM:*

On November 4, 1998, the district court entered a final money judgment against Appellants on their contract of guaranty with Appellee, Bank One. Appellants did not file a post-judgment motion to alter or amend this final judgment within ten days, in accordance with Fed. R. Civ. P. 59(e); neither did Appellants file a notice of appeal within thirty days, as required by Fed. R. App. P. 4(a). Instead Appellants filed a motion to "determine the commercial reasonability" of a prejudgment sale of collateral more than 60 days after the district court entered judgment. This

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion, however, did not plead or attempt to establish any of the legal bases authorizing either an extension of time to file a valid notice of appeal, in accordance with Fed. R. App. P. 4(a)(B), or relief from a judgment, under the provisions of Fed. R. Civ. P. 60(b).

Consequently, the district court correctly concluded that it had no jurisdiction to grant relief on Appellants' post-judgment motion under these circumstances.

The judgment of the district court is therefore
AFFIRMED.