

April 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50560
Summary Calendar

ANNETTE S. MUECKE,

Plaintiff-Appellant,

versus

B. THOMAS HALLSTEAD; STATE FARM LLOYDS,

Defendants-Appellees.

Appeals from the United States District Court
for the Western District of Texas
USDC No. 5:01-CV-805

Before GARZA, DEMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Annette S. Muecke appeals the district court's denial of her FED. R. CIV. P. 60(b) motion. Although the motion purported to relate only to the order granting summary judgment in favor of the defendants, she also sought reconsideration of various other district court orders.

As an initial matter, we DENY State Farm's motion to dismiss for lack of jurisdiction, DENY Muecke's motions to supplement the record, DENY AS UNNECESSARY State Farm's motion to strike one of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Muecke's motions to supplement, and DENY Muecke's motion for sanctions. Any remaining motions are likewise DENIED.

This court reviews the denial of a FED. R. CIV. P. 60(b) motion for an abuse of discretion. Travelers Ins. Co. v. Liljeberg Enters., Inc., 38 F.3d 1404, 1408 (5th Cir. 1994); Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 402 (5th Cir. 1981). Under this standard, "[i]t is not enough that the granting of relief might have been permissible, or even warranted--denial must have been so unwarranted as to constitute an abuse of discretion." Eskenazi, 635 F.2d at 402.

Muecke's brief contains a series of rambling, disjointed, and often incomprehensible arguments. She also raises numerous arguments that are largely irrelevant to the central issue on appeal, i.e., whether the district court abused its discretion in denying her FED. R. CIV. P. 60(b) motion. After having reviewed the record and the briefs on appeal, we conclude that Muecke has failed to show that the district court's denial of her FED. R. CIV. P. 60(b) motion was so unwarranted as to constitute an abuse of discretion. Id. The judgment of the district court is AFFIRMED.

Because the face of the appeal borders on being frivolous, we caution Muecke that the filing of any frivolous appeals will invite the imposition of sanctions in the future. To avoid sanctions, Muecke is further cautioned that she should review any

pending appeals to ensure that they do not raise arguments that are frivolous.

AFFIRMED; MOTION TO STRIKE DENIED AS UNNECESSARY; ALL OTHER MOTIONS DENIED; SANCTION WARNING ISSUED.