

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40491

ISAAC FRANKLIN,

Plaintiff-Appellant,

v.

VICTOR RODRIQUEZ, Chairman, Board of Pardons
and Parole; GERALD GARRETT, Board Member;
BRENDOLYN ROGERS GARDNER, Board Member;
W.G. "BILLY" WALKER, Board Member,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:99-CV-83)

February 10, 2003

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Isaac Franklin, Texas prisoner #557634, appeals, *pro se*, from the denial of his FED. R. Civ. P. 60(b) and subsequent 59(e) motions seeking reimbursement of court costs and fees. Given the benefit of liberal construction, Franklin errorously maintains he was entitled to such reimbursement because he voluntarily dismissed his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

42 U.S.C. § 1983 action. See **Hatchet v. Nettles**, 201 F.3d 651, 654 (5th Cir. 2000); see also **Williams v. Roberts**, 116 F.3d 1126, 1128 (5th Cir. 1997). Franklin has not shown the district court abused its discretion. See **Eleby v. American Med. Sys., Inc.**, 795 F.2d 411, 413 (5th Cir. 1986).

To the extent Franklin is attempting to challenge the district court's September 1999 and December 2000 orders, he may not do so in this appeal. Because these orders were not at issue in Franklin's Rule 60(b) motion, they are not at issue here. See **Aucoin v. K-Mart Fashion Corp.**, 943 F.2d 6, 8 (5th Cir. 1991).

AFFIRMED