

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 15-30323  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

September 15, 2015

ANDERSON WALLACE, JR.,

Lyle W. Cayce  
Clerk

Plaintiff - Appellant

v.

TERREBONNE PARISH SCHOOL BOARD,

Defendant - Appellee

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:13-CV-420  
\_\_\_\_\_

Before KING, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Proceeding *pro se*, Anderson Wallace, Jr., appeals the denial of his motion for relief from judgment under Federal Rule of Civil Procedure 60(b). We review the denial of a Rule 60 motion for abuse of discretion. *In re Isbell Records, Inc.*, 774 F.3d 859, 869 (5th Cir. 2014). Wallace claims that the district court abused its discretion by denying his motion without giving

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Terrebonne Parish School Board (“Terrebonne”) an adequate opportunity to respond. He does not cite any statute or authority to support this novel theory, and his argument fails for inadequate briefing. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Wallace also argues that the magistrate judge lacked jurisdiction to hear his case. But Wallace’s own attorney signed a written consent form pursuant to 28 U.S.C. § 636(c) before trial. The form was then signed by Terrebonne’s counsel and filed with the district court, establishing consent in the record. *See Archie v. Christian*, 808 F.2d 1132, 1137 (5th Cir. 1987) (en banc). Thereafter, Wallace never raised an objection to proceeding before a magistrate, nor did he appeal the judgment. A “Rule 60(b) motion is not to be used as a substitute for appeal.” *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, 402 (5th Cir. 1981). This argument is both waived and without merit. *See Archie*, 808 F.2d at 1137.

AFFIRMED.