

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

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No. 16-30827  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 16, 2018

Lyle W. Cayce  
Clerk

KEITH SMEATON,

Plaintiff-Appellant

v.

ALAN NELSON; RON SANDERS; WARDEN FEDERAL DETENTION  
CENTER OAKDALE; WILLIAM H. FURNIA; DAVID WESTBERG; EDWARD  
MOSS; CHARLES A. WIEGAND, III; H.S. OTT; DAVID JOHNSTON;  
THOMAS HETRICK; NORMAN CARLSON; FOY; STEVEN MARTIN;  
JOSEPH WILLIAMS; UNITED STATES IMMIGRATION AND CUSTOMS  
ENFORCEMENT,

Defendants-Appellees

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:86-CV-3333

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Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Keith Smeaton, former federal prisoner # 75242-011, appeals the district court's denial of his postjudgment motion for relief from the May 14, 1987 dismissal of his civil rights complaint. Smeaton's Federal Rule of Civil

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Procedure 59(e) motion was filed more than 28 years after the entry of the judgment. Consequently, the district court did not abuse its discretion in denying the Rule 59(e) motion as untimely. *See* FED. R. CIV. P. 59(e); *Quinn v. Guerrero*, 863 F.3d 353, 360 (5th Cir. 2017), *cert. denied*, 138 S. Ct. 682 (2018). To the extent the motion should have been treated as a Federal Rule of Civil Procedure 60(b) motion, it was also untimely. *See* FED. R. CIV. P. 60(c)(1); *Quinn*, 863 F.3d at 360 n.1; *Travelers Ins. Co. v. Liljeberg Enterprises, Inc.*, 38 F.3d 1404, 1410 (5th Cir. 1994). Finally, to the extent the motion should have been treated as a motion for a ruling on the Rule 59(e) motion filed on May 15, 1987, Smeaton cannot show that the district court's denial of the motion was an abuse of discretion, *see Quinn*, 863 F.3d at 360, and he has abandoned any challenge to the basis of the district court's dismissal of his complaint, *see Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Accordingly, the district court's judgment is AFFIRMED. Smeaton's motions to supplement the record on appeal and for the appointment of appellate counsel, a waiver of the visa requirement, and financial assistance with travel costs are DENIED.