

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 91-2080  
Conference Calendar

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GEORGE C. THOMPSON,

Plaintiff-Appellant,

versus

MARJORY ANN SUNDHOLM, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-88-1648  
- - - - -  
(January 21, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

This Court reviews a district court's denial of a Rule 60(b) motion for abuse of discretion. Lee v. Village of River Forest, 936 F.2d 976, 978-79 (5th Cir. 1991). A reversal will be granted "only upon a showing of extraordinary circumstances that create a substantial danger that the underlying judgment was unjust." Id. at 978 (citations omitted). Supporting this limited review is a strong policy in favoring the finality of judgments. Id.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

In reviewing a district court's Rule 60(b) determination, this Court can consider only whether the denial of the motion was an abuse of discretion; it cannot reach the merits of the underlying judgment. Id. at 979. A party making a Rule 60 (b)(3) motion must establish by clear and convincing evidence (1) that the adverse party engaged in fraud or other misconduct and (2) that this misconduct prevented the moving party from fully and fairly presenting his case. Washington v. Patlis, 916 F.2d 1036, 1039 (5th Cir. 1990). Relief under Rule 60(b)(2) is justified only if the newly-discovered evidence is material and controlling and clearly would have produced a different result if presented before the original judgment. Brown v. Petrolite Corp., 965 F.2d 38, 50 (5th Cir. 1992).

In support of his motion, Thompson sought to re-argue the merits of the motion to dismiss. He raised vague allegations of malpractice committed by his original attorney and contended that the judge who heard the case colluded with Sundholm in an attempt to keep him from establishing a valid trust. He also alleged a conspiracy to bankrupt him involving more than thirty parties, including his brother.

Thompson's claims are without merit. On appeal, he presented no arguments relating to the issue of jurisdiction under the PKPA and his tort claim under the Texas Family Code, the grounds on which the district court relied for its dismissal, or regarding the award of sanctions under Rule 11. The district court did not abuse its discretion in denying Thompson's motion under Fed. R. Civ. P. 60(b); therefore, the judgment is AFFIRMED.