

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-4713  
Conference Calendar

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JEFFREY DEWAYNE NOIEL,

Plaintiff-Appellant,

versus

J. A. LYNAUGH, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:91cv11  
- - - - -  
(January 22, 1993)

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

PER CURIAM:\*

Jeffrey Dewayne Noiel appeals the denial of his "motion for relief from judgment" under Fed. R. Civ. P. 60(b)(4). The district court determined that Noiel's underlying civil rights claim was frivolous and dismissed the action. We affirmed the judgment of the district court in Noiel v. Lynaugh, No. 91-4299 (5th Cir. Oct. 9, 1991) (unpublished) and dismissed the appeal. Accordingly, the judgment of the district court is not void. See Carimi v. Royal Caribbean Cruise Line, Inc., 959 F.2d 1344, 1345

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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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

(5th Cir. 1992).

AFFIRMED. Because the appeal lacks merit, the motions for an extension of time to file an amended brief, for appointment of counsel to prepare the amended brief, and for a determination that the named state officials are not immune from a suit for damages are DENIED.