

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7650
Conference Calendar

CHARLES LAVEL STRINGER,

Plaintiff-Appellant,

versus

BOB CAMPBELL ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA-3:89-472(L)(N)

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(July 19, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

"Motions under Rule 60(b) are directed to the sound discretion of the district court, and its denial of relief upon such motion will be set aside on appeal only for abuse of that discretion." Carimi v. Royal Caribbean Cruise Line, 959 F.2d 1344, 1345 (5th Cir. 1992) (quoting Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 402 (5th Cir. 1981)). "Relief under Rule 60(b)(6) will be granted only if extraordinary circumstances are present." Bailey v. Ryan Stevedoring Co., 894 F.2d 157, 160 (5th Cir.), cert. denied, 498 U.S. 829 (1990). "A change in

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

decisional law after entry of judgment does not constitute exceptional circumstances and is not alone grounds for relief from a final judgment." Id.

Charles Lavel Stringer relies exclusively upon the new decisional law under Hudson v. McMillan, 503 U.S.____, 112 S.Ct. 995, 117 L.Ed.2d 156 (1992), as a reason for relief from the final judgment against him. The district court's disposition was based upon qualified immunity. Qualified immunity claims are assessed in light of the legal rules clearly established at the time of the incident. Rankin v. Klevenhagen, 5 F.3d 103, 108 (5th Cir. 1993). At the time of the incident the affirmatively established decisional law of this Circuit demonstrated that the actions of the officers were reasonable. See Huguet v. Barnett, 900 F.2d 838, 841 (5th Cir. 1990); Johnson v. Morel, 876 F.2d 477, 480 (5th Cir. 1989) (en banc). The district court did not abuse its discretion in denying Stringer relief under Rule 60(b).

AFFIRMED.