

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

No. 94-10896
(Summary Calendar)

LAURA HICKEY,

Plaintiff-Appellant,

versus

IRVING INDEPENDENT SCHOOL
DISTRICT ET AL.,

Defendants-Appellees.

Appeal from United States District Court
for the Northern District of Texas
(USDC No. 3:91-CV-1911-G)

March 13, 1996
Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Laura Hickey's notice of appeal from the final judgment was not timely. Fed. R. App. 4(a)(1). That judgment is not before us for review. Hickey's motion for reconsideration is treated as a motion for relief from judgment under Fed. R. Civ. P. 60(b). Bertrand v. Sullivan, 976 F.2d 977, 979 (5th Cir. 1992). Her motion of October 11, 1994 is treated as the notice of appeal from the order denying the Rule 60(b) motion. Cobb v. Lewis, 488 F.2d 41, 454 (5th Cir. 1974).

Hickey has not shown that the denial of her rule 60(b) motion was an abuse of discretion. Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 402 (5th Cir. 1981). Accordingly, the district court's denial of the Rule 60 (b) motion is AFFIRMED. All outstanding motions are denied.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4