

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30631
Summary Calendar

REVEREND GEORGE TAYLOR,

Plaintiff-Appellant,

versus

BUNGE CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-83-1506-L c/w 87-1863-L)

(July 17, 1995)

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

PER CURIAM:*

Reverend George Taylor appeals the denial of his Fed.R.Civ.P. 60(b)(6) motion challenging the dismissal of a Title VII suit, and his motion to recuse Judge Veronica D. Wicker. Finding no error, we affirm.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Background

The instant appeal arises out of a civil rights action Taylor filed against Bunge Corporation in 1983. The motion of Taylor's attorney to dismiss that suit without prejudice as premature was granted. In September 1984 Taylor reasserted his claims in a second civil rights suit which was dismissed without prejudice as time-barred. We affirmed. Nearly two years after that dismissal Taylor filed a motion under Rule 60(b) contending that the first action had been dismissed without his consent. That motion was denied as untimely. In 1987 Taylor filed a third suit seeking "independent relief" from the initial judgment under Rule 60(b). Judge Veronica D. Wicker dismissed the action as barred by *res judicata*. Again, we affirmed.

In 1944 Taylor filed the instant motions, seeking relief under 60(b)(6) for "fraud upon the court" in dismissing his initial civil rights action, and the recusal of Judge Wicker in his suit for "independent relief." The motions were denied and Taylor timely appealed.

Analysis

We review the denial of both motions under the abuse of discretion standard.¹ Taylor's motions are untimely. His attack on a judgment issued over ten years ago was not filed within a reasonable time² and the record is devoid of proof that he moved

¹**Travelers Ins. Co. v. Liljeberg Enterprises, Inc.**, 38 F.3d 1404 (5th Cir. 1994) (Rule 60(b)(6)); **United States v. Jordan**, 49 F.3d 152 (5th Cir. 1995) (motion to recuse).

²**Travelers Ins.**

for the recusal of Judge Wicker upon learning facts allegedly material to her supposed disqualification.³ Timeliness aside, it is patently manifest that these motions lack any merit whatsoever. Taylor's allegations of a massive scheme to defraud him do not constitute "extraordinary circumstances" justifying relief from the challenged judgment.⁴ His claim has been rejected in prior proceedings. In addition, his contention that Judge Wicker defrauded him by misapplying the principles of *res judicata* are fanciful and totally unrelated to the relevant inquiry whether a reasonable person would harbor doubts about the judge's impartiality.⁵

This is Taylor's third Rule 60(b) challenge to the dismissal of the civil rights action filed in 1984. Taylor is cautioned that his continuation of frivolous and repetitive litigation will invite the imposition of the full panoply of sanctions, including the ultimate denial of access to the judicial system.⁶

Taylor's outstanding motions to supplement and correct the record on appeal are DENIED. The judgment of the district court is AFFIRMED.

³**Id.**

⁴**American Totalisator Co. v. Fair Grounds Corp.**, 3 F.3d 810 (5th Cir. 1993).

⁵**Jordan.**

⁶**See Jackson v. Carpenter**, 921 F.2d 68 (5th Cir. 1991); **Goad v. Rollins**, 921 F.2d 69 (5th Cir.), cert. denied, 500 U.S. 905 (1991).