

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40249
Conference Calendar

TERRANCE KEITH HUNT,

Plaintiff-Appellant,

versus

U.S. DEP'T OF JUSTICE, ET AL.,

Defendants,

U.S. DEPT. OF JUSTICE,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 90-CV-776
- - - - -

(September 23, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Because Terrance Keith Hunt's motion does not challenge the correctness of the underlying judgment of dismissal, it should be construed as a Fed. R. Civ. P. 60(b) motion rather than a Fed. R. Civ. P. 59(e) motion. "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

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Line, Inc., 959 F.2d 1344, 1345 (5th Cir. 1992) (internal quotation and citation omitted). "Relief under Rule 60(b)(6) [for any other reason justifying relief] will be granted only if extraordinary circumstances are present." Bailey v. Ryan Stevedoring Co., Inc., 894 F.2d 157, 160 (5th Cir.), cert. denied, 498 U.S. 829 (1990). In the settlement agreement Hunt released the U.S., inter alia, from any and all claims that he might have had arising from the seizure of the instant funds; accordingly, he has not shown that the district court abused its discretion by denying his motion.

AFFIRMED.