

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 94-40874
Summary Calendar
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FELTON JAMES LEDET,

Plaintiff-Appellant,

versus

15th JUDICIAL DISTRICT COURT,
ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the
Western District of Louisiana
(89-0475)

S)))))))))Q

March 21, 1995

Before GARWOOD, HIGGINBOTHAM and DAVIS, Circuit Judges.*

PER CURIAM:

Plaintiff-appellant Felton James Ledet (Ledet) appeals the district court's judgment dismissing his action under 42 U.S.C. § 1983. Ledet proceeded *in forma pauperis* (IFP) below. The judgment was entered May 19, 1994, dismissing the suit pursuant to 28 U.S.C. § 1915(d). Ledet's notice of appeal, which is dated August 20,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

1994, was not filed until August 29, 1994. The time for filing notice of appeal, however, expired on June 20, 1994. Therefore, we have no jurisdiction over the attempted appeal of the May 19, 1994, judgment.

On June 13, 1994, Ledet filed a motion for reconsideration as to the May 19, 1994, judgment. The motion is dated June 5, 1994, and its certificate of service is dated June 8, 1994. The motion was thus executed, served, and filed more than ten days after the entry of the judgment, and hence does not extend the time for filing notice of appeal from the judgment. The motion was overruled August 5, 1994.

So far as the notice of appeal filed August 29, 1994, appeals the denial of the motion for reconsideration, treated as a motion under Fed. R. Civ. P. 60(b), no abuse of the district court's discretion is shown. Ledet presents no basis for relief of the kind addressed in Rule 60(b). We disregard his contentions not made in the motion for reconsideration, as well as his attacks on this Court's earlier opinion on his prior appeal in this case. We further note that Ledet's claims that the magistrate judge was not impartial are made for the first time on this appeal and are wholly unsupported by any specific allegations save only disagreement with the magistrate judge's conclusion that his claims were legally and factually frivolous.

The instant appeal is frivolous, and is dismissed as such pursuant to Local Rule 42.2. Ledet's motion to appeal IFP is denied as unnecessary (the district court never decertified Ledet's IFP status); his motion to admit evidence is likewise denied as

unnecessary (the documents in question are already in the record before this Court).

Appeal DISMISSED; Motions DENIED