

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-40671
Summary Calendar

ANTHONY LINDON BETHEL,

Plaintiff-Appellant,

VERSUS

JIMMIE E. ALFORD, ET AL,

Defendants,

JIMMIE E. ALFORD,

Defendant-Appellee.

Appeal from the United States District Court
For the Eastern District of Texas
(6:93-CV-186)

February 6, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, District Judges.

PER CURIAM:¹

Appellant, a Texas Department of Criminal Justice prisoner, sued nearly fifty defendants under 42 U.S.C. § 1983 and applied to proceed in forma pauperis. His application was denied. Only one defendant was served. That defendant answered and moved for dismissal under Federal Rule of Civil Procedure 12(b)(6) which

¹Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

motion was granted. Later the district court also dismissed all remaining defendants for lack of service. Appellant then moved for relief under Rule 60(b)(6) which was denied, except that the district court modified the dismissal of the unserved defendants to be without prejudice. Appellant seeks to appeal all of the actions of the district court. We find the appeal frivolous and dismiss.

Appellant's notice of appeal is timely only with respect to the district court's denial of his Rule 60(b) motion. We therefore have jurisdiction to review that matter only. We find no abuse of discretion in the denial of that motion and affirm it.

Appellant's brief in this court is largely incomprehensible. He does not specifically address how the district court allegedly abused its discretion in denying his motion and does not adequately argue any point raised.

Appellant sought relief from his obligation to serve all of the defendants under Federal Rule of Civil Procedure 5(c). That Rule is inapplicable here because it deals only with pleadings transmitted between defendants, not service by the plaintiff on a defendant. Clearly the district court did not abuse its discretion in denying relief.

Appellant is warned that the bringing of further frivolous appeals will result in the imposition of sanctions.

APPEAL DISMISSED.