

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20890
Conference Calendar

LAWRENCE P. MILES,

Plaintiff-Appellant,

versus

SUNBELT NAT'L BANK; LAUREN I. SCHVERAK;
MICHAEL B. MASSEY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-92-1246
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Lawrence P. Miles appeals from the denial of two motions for relief pursuant to FED. R. Civ. P. 60(b). Miles contends that an October 30, 1995, order closing his case from which he did not file an appeal is void because the order barred him from future filings in his case. He argues that he never has been given an opportunity to present his case to a jury in open court.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

To the extent that Miles seeks relief pursuant to Rule 60(b)(4), the October 30, 1995, judgment was not void. It did not preclude Miles from filing a notice of appeal. To the extent that Miles seeks relief pursuant to Rule 60(b)(6), the denial of Miles's motions was not an abuse of discretion. *Travellers Ins. Co. v. Liljeberg Enter., Inc.*, 38 F.3d 1404, 1408 (5th Cir. 1994).

Miles's appeal is lacking in arguable merit and is frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Miles is warned that future frivolous appeals in this action will result in sanctions against him. Finally, Miles's motion to expedite his appeal and for publication of the opinion in this case is DENIED.

APPEAL DISMISSED. 5TH CIR. R. 42.2. SANCTIONS WARNING ISSUED.