

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40071
Conference Calendar

KELVIN B. MORGAN,

Plaintiff-Appellant,

versus

T. C. FORD, Dr. Coffield Unit;
TDCJ-ID,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-647
- - - - -

October 24, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Kelvin B. Morgan (#559701) appeals from the denial of his postjudgment motion requesting relief pursuant to Fed. R. Civ. P. 60(b) based on excusable neglect for not filing a timely appeal. Morgan argues that his failure to file a timely notice of appeal was caused by excusable neglect. We have reviewed the record and briefs of the parties and AFFIRM the magistrate judge's denial

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

because the magistrate judge did not abuse his discretion.

Morgan v. Ford, No. 6:93-CV-647 (Dec. 5, 1995).

AFFIRMED.