

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60261
Summary Calendar

CLYDE ASHLEY, JR.,

Petitioner-Appellant,

versus

CHRISTINE HOUSTON, MIKE MOORE,
RAYMOND ROBERTS, EDDIE LUCAS,
COMMISSIONER, MISSISSIPPI
DEPARTMENT OF CORRECTIONS,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:94CV178-D-0

September 20, 1996

Before JONES, DeMOSS AND PARKER, Circuit Judges.

PER CURIAM:*

Clyde Ashley, Jr., Mississippi prisoner # 47208, seeks to appeal the denial of his Fed. R. Civ. P. 60(b) motion to reconsider the judgment of the district court denying habeas corpus relief. Any motion for an out-of-time appeal is unnecessary. Ashley's first notice of appeal was timely as to the January 31, 1995 Rule 60(b) order. The first appeal was dismissed as to the final

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

judgment only; we now address the appeal from the denial of the Rule 60(b) motion.

Ashley argues that the disciplinary committee's failure to hold a hearing within ten days of the disciplinary report violated due process and that his earned time was confiscated without proper authority. We have reviewed the record and the brief and found no reversible error. We affirm for the reasons stated by the district court. Ashley v. Houston et al., No. 4:94CV178-D-0 (5th Cir. Jan. 31, 1995).

AFFIRMED.