

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2637

Juanita Sims,

Appellant,

v.

Cedar Park Elementary,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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* [UNPUBLISHED]

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Submitted: October 7, 2005

Filed: October 20, 2005

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Juanita Sims filed a motion to reconsider more than ten days after dismissal of her Title VII action as untimely, attaching her right-to-sue letter from the Equal Employment Opportunity Commission (EEOC). The district court¹ denied her motion, and Sims appeals. Liberally construing her motion to reconsider as a Federal Rule of Civil Procedure 60(b) motion, we conclude the district court did not abuse its discretion in denying reconsideration. See Sanders v. Clemco Indus., 862 F.2d 161, 164-65, 169 (8th Cir. 1988) (construing reconsideration motion filed more than 10

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

days after entry of judgment under Rule 60(b); appeal from denial of Rule 60(b) motion does not raise underlying judgment for review, and review is for abuse of discretion); Brooks v. Ferguson-Florissant Sch. Dist., 113 F.3d 903, 904-05 (8th Cir. 1997) (where Title VII action was dismissed as untimely in light of date alleged for receipt of EEOC right-to-sue letter, it was not abuse of discretion to deny plaintiff's reconsideration motion, in which he attempted to correct date by referring to mailing date of EEOC letter; "while [plaintiff] represented himself and may have had difficulty with procedural rules, the motion to dismiss provided him notice that the receipt date was critical").

Accordingly, we affirm.
