

United States Court of Appeals
For the Eighth Circuit

No. 13-1676

Kelvin Settle

Plaintiff - Appellant

v.

United States of America

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: July 02, 2013

Filed: July 08, 2013

[Unpublished]

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

Kelvin Settle appeals the district court's¹ denial of his Federal Rule of Civil Procedure 60(d) motion to set aside judgment for fraud on the court, following the

¹The Honorable Jean C. Hamilton, United States District Judge for the Eastern District of Missouri.

denial of his motion to return property. We conclude that the court did not abuse its discretion in denying the Rule 60(d) motion. See Superior Seafoods, Inc. v. Tyson Foods, Inc., 620 F.3d 873, 878 (8th Cir. 2010) (standard of review). Contrary to Settle's assertion, the district court's denial of his motion to return property--which this court affirmed in an earlier appeal--was not based solely on a disclaimer that was purportedly signed by him, but which he alleged was fraudulent; thus, his Rule 60(d) motion did not provide a basis for relief. See id. (relief under Rule 60(d) is only available where it would be manifestly unconscionable to allow judgment to stand). Accordingly, we affirm. See 8th Cir. R. 47B.
