

United States Court of Appeals
For the Eighth Circuit

No. 23-2345

Kyle Greene; Krystle Lynn Greene

Plaintiffs - Appellants

v.

Meeker County Department of Human Services (DHS)

Defendant - Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: January 31, 2024

Filed: February 5, 2024

[Unpublished]

Before GRUENDER, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Kyle and Krystle Greene appeal the district court's¹ denial of their Federal Rule of Civil Procedure 60(b) motion challenging the dismissal of their pro se complaint.

¹The Honorable Eric C. Tostrud, United States District Judge for the District of Minnesota.

Having carefully reviewed the record and the parties' arguments on appeal, we conclude the district court did not abuse its discretion in denying the Rule 60(b) motion. *See Middleton v. McDonald*, 388 F.3d 614, 616 (8th Cir. 2004) (standard of review); *Chester v. St. Louis Hous. Auth.*, 820 F.2d 259, 260 (8th Cir. 1987) (per curiam) (stating that Rule 60(b) provides for relief only under exceptional circumstances and is not intended to substitute for a timely appeal). Accordingly, we affirm and deny the Greenes' motion to modify the caption as moot. *See* 8th Cir. R. 47B.
