

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 22, 2012

No. 11-30763
Summary Calendar

Lyle W. Cayce
Clerk

MICHAEL TUREAUD,

Plaintiff - Appellant

v.

MARKEL INSURANCE COMPANY; MARKEL INTERNATIONAL
INSURANCE COMPANY, LIMITED,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:10-CV-1853

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

This appeal arises from the district court's denial of Tureaud's motion to amend judgment, or in the alternative, for relief from the district court's grant of summary judgment in favor of Markel International Insurance Company, Ltd. ("Markel International") and judgment dismissing his suit with prejudice. We AFFIRM.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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In granting summary judgment to Markel International on the grounds that Tureaud's suit was barred by prescription, the district court rejected Tureaud's arguments that the relation-back provision of Rule 15(c) of the Federal Rules of Civil Procedure operated to make his subsequent state court lawsuit against Markel International timely and that defense counsel's alleged misconduct was responsible for Tureaud's pleading deficiencies. In his motion pursuant to Rules 59 and 60 of the Federal Rules of Civil Procedure, Tureaud made virtually identical arguments as those in his response to Markel International's summary judgment motion, arguments that the district court had already expressly rejected. Thus, the district court denied Tureaud's motion. *Tureaud v. Markel Ins. Co.*, No. 10-1853, 2011 WL 2937220, at *1-2 (E.D. La. July 19, 2011). Tureaud appeals only that denial.

An abuse of discretion standard of review applies to a district court's denial of a motion under Rule 59. *See, e.g., ICEE Distribs., Inc. v. J&J Snack Foods Corp.*, 445 F.3d 841, 847 (5th Cir. 2006) (citation omitted). The same standard applies to a district court's denial of a motion under Rule 60. *See, e.g., Martin v. H.M.B. Constr. Co.*, 279 F.2d 495, 496 (5th Cir. 1960) (citation omitted). We have carefully considered the pertinent portions of the record, the parties' briefs, and relevant opinions of the district court. For substantially the same reasons as those set forth in the district court's order denying Tureaud's motion, we find no abuse of discretion by the district court warranting reversal.

AFFIRMED.