

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1547

Cornelius Moore,

Appellant,

v.

Gregory L. Sims; Unknown Wilhelm,
Lt.; Luke Wilke; City of Lincoln
Police Department; Beverly Hawk;
Cornhusker Place Detoxification
Center; City of Lincoln, Nebraska,

Appellees.

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Appeal from the United States
District Court for the
District of Nebraska

[UNPUBLISHED]

Submitted: June 23, 2004
Filed: July 14, 2005

Before BYE, McMILLIAN and RILEY, Circuit Judges.

PER CURIAM.

Cornelius Moore, a Nebraska inmate, appeals from the final judgment entered in the District Court¹ for the District of Nebraska denying Moore's third Fed. R. Civ. P. 60(b)(6) motion. Having thoroughly reviewed the record, we conclude that the

¹The Honorable Warren K. Urbom, United States District Judge for the District of Nebraska.

district court did not abuse its discretion in denying the motion. It was not filed within a reasonable time, it presented arguments that could have been raised in a timely appeal from the underlying judgment, and it also presented arguments that had been previously rejected by the district court. See Swope v. Siegel-Robert, Inc., 243 F.3d 486, 498 (8th Cir.) (Rule 60(b) movant must demonstrate exceptional circumstances to obtain relief; denial of motion reviewed for abuse of discretion), cert. denied, 534 U.S. 887 (2001).

Accordingly, we affirm. See 8th Cir. R. 47A(a). We deny Moore's motion for production of the record.
