

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6282

STANLEY LORENZO WILLIAMS,

Plaintiff - Appellant,

versus

D. W. GRIFFIN; CABARRUS COUNTY SHERIFF
DEPARTMENT; W. ERWIN SPAINHOUR,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. Frank W. Bullock, Jr.,
District Judge. (CA-03-218-1)

Submitted: May 27, 2004

Decided: June 3, 2004

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Stanley Lorenzo Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Stanley Lorenzo Williams appeals the district court's order denying his motion for reconsideration of the court's order dismissing his 42 U.S.C. § 1983 (2000) complaint as frivolous under 28 U.S.C. § 1915(e) (2000). This court will not disturb a district court's denial of a Fed. R. Civ. P. 60(b) motion absent an abuse of discretion. Eberhardt v. Integrated Design & Constr., Inc., 167 F.3d 861, 869 (4th Cir. 1999) (citing CNF Constructors, Inc. v. Donohoe Constr. Co., 57 F.3d 395, 401 (4th Cir. 1995)). A Rule 60(b) motion is extraordinary and the party seeking relief under the Rule must show "timeliness, a meritorious defense, a lack of unfair prejudice to the opposing party, and exceptional circumstances." Dowell v. State Farm Fire & Cas. Auto. Ins. Co., 993 F.2d 46, 48 (4th Cir. 1993) (citation omitted). "In ruling on an appeal from a denial of a Rule 60(b) motion, this Court may not review the merits of the underlying order; it may only review the denial of the motion with respect to the grounds set forth in Rule 60(b)." In re Burnley, 988 F.2d 1, 3 (4th Cir. 1992). We find that Williams established no grounds justifying Rule 60(b) relief. Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

