

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3697

Laxman S. Sundae,	*	
	*	
Appellant,	*	
	*	
v.	*	Appeal from the United States
	*	District Court for the District
W.D. Schock Company; William D.	*	of Minnesota.
Schock; Ralph E. White; Robert B.	*	
Swenson; L. James Fortman; Dean C.	*	[UNPUBLISHED]
Larson, doing business as	*	
International Idea Institute,	*	
	*	
Appellees.	*	

Submitted: April 25, 2002

Filed: April 30, 2002

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Laxman S. Sundae appeals the district court's order denying Sundae's Federal Rule of Civil Procedure 60(b) motion. All of Sundae's arguments in support of setting aside the district court's judgment could have been, but were not, raised in a timely appeal from the underlying judgment. Because Sundae's motion raised only "previously ruled upon legal matter[s] that he could have raised on a timely appeal,

the district court was not required to grant relief under Rule 60(b) as a substitute for [Sundae's] exercising his right to appeal the alleged error[s]." See Sanders v. Clemco Indus., 862 F.2d 161, 170 (8th Cir. 1988). We thus affirm the district court's order. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.