

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-2774

Collin Myrlie,

Appellant,

v.

Countrywide Bank; Countrywide Home
Loans, a subsidiary of Bank of America
(f/k/a Countrywide Financial
Corporation) Headquarters in Calabasas
CA, USA, a New York Corporation,

Appellees.

*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: March 22, 2012
Filed: March 27, 2012

Before LOKEN, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Collin Myrlie appeals from the order of the District Court¹ denying his motion filed under Rule 60(b) of the Federal Rules of Civil Procedure seeking relief from the adverse grant of summary judgment on his complaint against the mortgage company and bank involved in the foreclosure sale of his home. Following careful review, we

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota.

see no abuse of discretion in the District Court’s conclusion that Myrlie did not present newly discovered evidence or exceptional circumstances warranting relief. See Arnold v. Wood, 238 F.3d 992, 998 (8th Cir.) (standard of review), cert. denied, 534 U.S. 975 (2001); see also Harley v. Zoesch, 413 F.3d 866, 871 (8th Cir. 2005) (“Relief is available under Rule 60(b)(6) only where exceptional circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress.”); Alpern v. UtiliCorp United, Inc., 84 F.3d 1525, 1536–37 (8th Cir. 1996) (noting that where Rule 60(b)(2) relief was sought based on evidence discovered after a hearing on a summary judgment motion but before the court granted the motion, a party must have a justifiable excuse for not timely opposing the motion for summary judgment and must show that the evidence probably would have produced a different result).

Accordingly, we affirm.
