
No. 96-1188

Mary Ann Poores,
Appellant,
v.
Lloyd M. Bentson, Secretary of
The Treasury,
Appellee.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
* [UNPUBLISHED]
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Submitted: August 21, 1996

Filed: September 4, 1996

Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Mary Ann Poores appeals the district court's¹ order denying her Federal Rule of Civil Procedure 60(b) motion to set aside the dismissal of her employment discrimination action. In support of Rule 60(b) relief, Poores argues that her former counsel's negligence in failing to comply with the district court's scheduling order should not be imputed to her. Having carefully reviewed the record and the parties' briefs, we find no abuse of discretion in the district court's ruling. See Sanders v. Clemco Indus., 862 F.2d 161, 169 & n.14 (8th Cir. 1988) (standard of review); Link v. Wabash R. Co., 370 U.S. 626, 633-34 (1962) (claimant cannot avoid consequences of acts or omissions of freely selected attorney). We also reject Poores's alternative request that the dismissal be modified to be without prejudice, as this

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

appeal does not raise the underlying judgment for review. See Fed. R. App. P. 4(a); Sanders, 862 F.2d at 169.

The judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

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