

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

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No. 96-2955

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Vance E. Tivis,

Appellant,

v.

Dora Schriro

Appellee.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

[Unpublished]

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Submitted: April 7, 1997

Filed: April 24, 1997

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Before HANSEN, MORRIS SHEPPARD ARNOLD, and MURPHY, Circuit Judges.

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PER CURIAM.

Vance E. Tivis, a Missouri inmate, appeals the district court's<sup>1</sup> denial of his Federal Rule of Civil Procedure 60(b) motion seeking relief from the denial of his 28 U.S.C. § 2254 petition. As Tivis has not alleged or demonstrated "exceptional circumstances" warranting extraordinary relief, we conclude the district court did not

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<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

abuse its discretion in denying Tivis's Rule 60(b) motion. See Robinson v. Armontrout, 8 F.3d 6, 7 (8th Cir. 1993) (standard of review; Rule 60(b) factors warranting relief); Sanders v. Clemco Indus., 862 F.2d 161, 169 (8th Cir. 1988) (appeal from denial of Rule 60(b) motion does not raise underlying judgment for review).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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