

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

Nos. 97-2805/97-3454

United States of America,

Appellee,

v.

Randy M. Oster,

Appellant,

Lois M. Oster,

Defendant.

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Appeals from the United States
District Court for the
District of North Dakota.

[UNPUBLISHED]

Submitted: April 29, 1998

Filed: May 4, 1998

Before FAGG, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Randy M. Oster, co-defendant with his wife in an eviction action initiated by the United States, appeals from the district court's¹ denial of his Fed. R. Civ. P. 60(b) motions and its issuance of a writ of assistance. Oster

¹The Honorable Patrick A. Conmy, United States District Judge for the District of North Dakota.

argues on appeal that he is entitled to Rule 60(b) relief because the district court lacked jurisdiction to enter the eviction order, and the Osters were denied a full redemption period. After careful review we conclude the district court did not abuse its discretion when it denied Oster Rule 60(b) relief. See Schultz v. Commerce First Fin., 24 F.3d 1023, 1024 (8th Cir. 1994). We also conclude Oster's argument that the district court lacked jurisdiction to issue the writ of assistance is meritless. See Lara v. Secretary of Interior, 820 F.2d 1535, 1543 (9th Cir. 1987). Accordingly, we affirm.

A true copy.

Attest:

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