

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-4176

United States of America,

*

*

Appellee,

*

*

v.

*

*

Roy Mannis,

*

*

Appellant,

*

Appeal from the United States
District Court for the
Eastern District of Arkansas.

Bob Hall; Billy G. McLaughlin;
Wallace Barber; Ralph Griffin; Paul
Calkin; George Higgins; Jimmy
Benson; Darrell Floyd; Bobby Hulse;
David Johnson; Orville Ledbetter;
Jimmy Reeves; Leo George; Sam
Banks; William L. Clark; First
Electric Cooperative Corporation,

*

*

*

*

*

*

*

*

*

Defendants.

*

[PUBLISHED]

Submitted: July 26, 1999

Filed: August 2, 1999

Before McMILLIAN, RICHARD S. ARNOLD, and HANSEN, Circuit Judges.

PER CURIAM.

The United States Department of the Interior filed suit against Roy Mannis under the National Wildlife Refuge System Administration Act, 16 U.S.C. § 668dd, seeking an injunction requiring Mannis to remove his houseboat from the White River National Wildlife Refuge. Mannis appeals the district court's¹ grant of summary judgment in favor of the United States and the resulting injunction against Mannis. Mannis bases his appeal solely upon an argument that he first raised in a Federal Rule of Civil Procedure 60(b) motion that he filed with the district court after he filed the instant appeal. The district court denied Mannis's Rule 60(b) motion and Mannis did not appeal that order.

We do not entertain new arguments on appeal from the grant of summary judgment. See Berg v. Norand Corp., 169 F.3d 1140, 1145 (8th Cir. 1999), petition for cert. filed, No. 99-76 (U.S. July 8, 1999). Further, our review of the argument underlying Mannis's Rule 60(b) motion is properly sought in an appeal from the order denying Rule 60(b) relief. See Winter v. Cerro Gordo County Conservation Bd., 925 F.2d 1069, 1073 & n.7 (8th Cir. 1991) (appealing party must file new appeal if Rule 60(b) motion is denied). Because there is nothing for us to consider on the merits, we must dismiss Mannis's appeal. Cf. Carter v. Lutheran Med. Ctr., 87 F.3d 1025, 1026 (8th Cir. 1996) (appeal must be dismissed because brief presents no question for court to decide).

Appeal dismissed.

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.

A true copy.

Attest:

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