

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

September 30, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 08-20257  
Summary Calendar  
\_\_\_\_\_

ADRIENNE GALLIEN; JOSEPH GALLIEN

Plaintiffs-Appellants

v.

WASHINGTON MUTUAL HOME LOANS INC; WASHINGTON MUTUAL  
BANK; FEDERAL HOME LOAN MORTGAGE CORP

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
No. 4:06- CV 4034  
\_\_\_\_\_

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

The only issue presented in this appeal is whether the district court abused its discretion in denying Appellants' Rule 60(b) motion to "set aside judgment and remand or alternatively to reconsider and enter a corrected order allowing leave to amend."

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

We affirm the district court's order denying Rule 60(b) relief for the following reasons:

- 1) The district court had jurisdiction over this case because the Federal Home Loan Mortgage Corporation(Freddie Mac) was a party.
- 2) Our review of the denial of a Rule 60(b) motion is extremely limited.
- 3) Appellants' arguments concerning procedural error in removal were waived by Appellants' failure to make a timely complaint to the district court.
- 4) No reason is presented as to why the Appellants allowed more than 14 months to elapse before seeking relief under Rule 60(b).
- 5) Appellants' complaint about the court's denial of their application for preliminary injunction is not the proper subject of a Rule 60(b) motion. Rule 60 does not apply to interlocutory orders and is not a substitute for an appeal.
- 6) No extraordinary circumstances are presented that required the district court to reopen this case.

We have considered all of Appellants' arguments and find no merit in any of them.

AFFIRMED.