

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-41338
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2016

Lyle W. Cayce
Clerk

NICHOLAS J. QUEEN,

Petitioner-Appellant

v.

T.C. OUTLAW, WARDEN,

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:07-CV-21

Before DAVIS, BENAVIDES, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Nicholas J. Queen, federal prisoner # 29623-037, is serving a 562-month term of imprisonment for his convictions for bank robbery and related offenses. In 2007, Queen filed an unsuccessful 28 U.S.C. § 2241 petition challenging the calculation of his sentence. This court affirmed the judgment of the district court. *Queen v. Outlaw*, 393 F. App'x 176, 177-78 (5th Cir. 2010). In September and October 2014, Queen filed three identical motions pursuant to Federal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Rule of Civil Procedure 60(b)(6) seeking relief from the judgment denying his § 2241 petition. The district court denied the motions on the grounds that it had no authority to reconsider this court's decision affirming the denial of § 2241 relief, the motions were not timely, and they lacked merit. Queen now appeals the denial of his Rule 60(b) motions.

Under Rule 60(b)(6), a court may relieve a party from a final judgment for “any . . . reason that justifies relief.” FED. R. CIV. P. 60(b)(6). We review the denial of a Rule 60(b)(6) motion for an abuse of discretion. *Diaz v. Stephens*, 731 F.3d 370, 374 (5th Cir. 2013). Although the one-year filing period does not apply to Rule 60(b)(6) motions, such motions “must be made within a reasonable time.” FED. R. CIV. P. 60(c)(1). Queen did not meet this standard. *See In re Osborne*, 379 F.3d 277, 283 (5th Cir. 2004). Moreover, Queen has not shown the existence of “extraordinary circumstances,” as required for relief under Rule 60(b)(6). *Hernandez v. Thaler*, 630 F.3d 420, 429 (5th Cir. 2011) (internal quotation marks and citation omitted).

AFFIRMED.