

United States Court of Appeals  
For the Eighth Circuit

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No. 17-2717

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H. Richard Austin

*Plaintiff - Appellant*

v.

Hanover Insurance Company, also known as Massachusetts Bay Insurance Company

*Defendant - Appellee*

Brown & James

*Defendant*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: April 20, 2018

Filed: April 24, 2018

[Unpublished]

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Before GRUENDER, MURPHY, and BENTON, Circuit Judges.

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PER CURIAM.

H. Richard Austin appeals the district court's<sup>1</sup> order dismissing his action seeking to set aside several judgments for fraud on the court, and awarding attorney's fees. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

After reviewing the parties' arguments on appeal and the circumstances of this case, the court finds no basis to reverse the dismissal. *See Superior Seafoods, Inc. v. Tyson Foods, Inc.*, 620 F.3d 873, 878 (8th Cir. 2010) (appeal from action seeking relief from a prior judgment under Federal Rule of Civil Procedure 60(d) is reviewed for clear abuse of discretion). This court also finds no abuse of discretion in the district court's award of attorney's fees. *See Goodyear Tire & Rubber Co. v. Haeger*, 137 S. Ct. 1178, 1184 (2017) (holding a federal court's inherent authority to award attorney's fees as a sanction for bad-faith conduct is limited to the fees incurred because of the misconduct); *Dillon v. Nissan Motor Co.*, 986 F.2d 263, 266-67 (8th Cir. 1993) (a court may assess attorney's fees where a party has "acted in bad faith, vexatiously, wantonly, or for oppressive reasons").

The judgment is affirmed. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.