

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-12286
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 3, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 97-00582-CR-JAL

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE I. MACIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(March 3, 2009)

Before TJOFLAT, BLACK and FAY, Circuit Judges.

PER CURIAM:

On April 7, 1999, the district court entered a judgment convicting and

sentencing appellant for various offenses not pertinent here. He appealed the judgment, challenging both his convictions and sentences. We affirmed. United States v. DeLeon, No. 99-10274 (11th Cir. 2002) (not published).

On October 19, 2007, appellant, proceeding pro se, moved the district court pursuant to Federal Rule of Civil Procedure 60(b) to set aside the April 7, 1999 judgment. On November 27, 2007, the court denied his motion. On January 28, 2008, appellant moved the court for reconsideration. The court denied the motion on April 8, 2008. On April 8, 2008, he appealed the court's ruling.

We affirm the denial of appellant's Rule 60(b) motion. That rule applies in civil cases, not in criminal cases such as the case here.

AFFIRMED.