United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3176

Azam Ansari,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	District of Minneapolis.
NCS Pearson, Inc., doing business as Pearson VUE; American Board of Internal Medicine, a nonprofit organization;	*	[UNPUBLISHED]
	*	
	*	
	*	
Appellees.	*	

Submitted: February 1, 2011
Filed: February 3, 2011

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Azam Ansari appeals the district court's[1] order denying his Federal Rule of Civil Procedure 60(b) motion following the dismissal of his diversity action. We find no abuse of discretion in the denial of relief under Rule 60(b)(3) and (6). See Murphy

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[1]The Honorable Jeanne J. Graham, United States Magistrate Judge for the District of Minnesota, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

v. Mo. Dep't of Corrs., 506 F.3d 1111, 1117 (8th Cir. 2007) (standard of review); see also Arnold v. Wood, 238 F.3d 992, 998 (8th Cir. 2001) (Rule 60(b) is not vehicle for simply rearguing merits, and appeal from denial of Rule 60(b) motion does not present underlying judgment for review; Rule 60(b) movant must demonstrate exceptional circumstances justifying relief). We also agree with the district court that Ansari was not entitled to relief under Rule 60(b)(4). See Johnson v. Arden, 614 F.3d 785, 799 (8th Cir. 2010) (de novo standard of review); Hunter v. Underwood, 362 F.3d 468, 476 (8th Cir. 2004) (neither Rule 60(b)(4) nor Rule 60(b)(6) motion may be used as substitute for timely appeal). Accordingly, we affirm. See 8th Cir. R. 47B.
