

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

United States Court of Appeals For the First Circuit

No. 99-1741

RICHARD COMERFORD,
Plaintiff, Appellant,

v.

U.S. DEPT. OF ARMY,
Defendant, Appellee.

ARMY NATIONAL GUARD OF MASSACHUSETTS,

Defendant.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. William G. Young, U.S. District Judge]

Before

Torruella, Chief Judge,
Stahl and Lynch, Circuit Judges.

Richard Comerford on brief pro se.
Donald K. Stern, United States Attorney, and Barbara Healy Smith, Assistant U.S. Attorney, on Motion to Dismiss Appeal or for Summary Disposition, for appellee.

SEPTEMBER 29, 2000

Per Curiam. After carefully considering the briefs and record on appeal, we affirm the decision of the district court.

To the extent that the appellant's arguments are addressed to the underlying judgment, they are unavailing because he did not effect a timely appeal from that judgment. Although his appeal from the last, three, post-judgment motions is timely, those repetitive motions do not raise for review the merits of the underlying judgment. See Aybar v. Crispin-Reyes, 118 F.3d 10 (1st Cir 1997); Acevedo-Villalobos v. Hernandez, 22 F.3d 384 (1st Cir. 1994). Moreover, the appellant failed to provide developed argumentation or authority establishing that the appeal is timely with respect to the substantive issues raised in those post-judgment motions. See United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990). Finally, to the extent that the appellant's arguments are addressed to the merits of the district court's rulings on the post-judgment motions, he has not demonstrated abuse of discretion.

We deny the appellant's motion to compel.

Affirmed. Loc. R. 27 (c).