

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

AUG 09 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK

Complaint Number: 05-17-90042

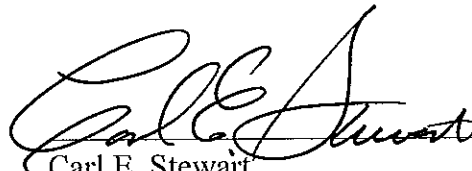
MEMORANDUM

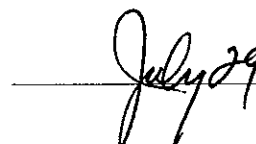
Complainant, a state prisoner, complains that he did not consent to the subject United States Magistrate Judge's "involvement" in his pending prisoner civil rights proceeding. He further alleges that the magistrate judge "is so biased against [me] that Defendants' council [sic] refers their motions to him."

A review of the docket shows that all non-dispositive motions, including those filed by complainant, have been docketed by the district court clerk's office with the notation: "Motions referred to [the magistrate judge]."

To the extent that complainant is alleging that the magistrate judge lacks jurisdiction to enter rulings, the assignment of non-dispositive matters to a magistrate judge under 28 U.S.C. §§ 636 (b)(1)(A) and (B) does not require the consent of the parties. The allegation is therefore subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii). To the extent that complainant is alleging that the defendants "referred" non-dispositive motions to the magistrate judge, the patently frivolous allegation is also subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

 , 2017