

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20985
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WISTING FIERRO RUIZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CV-1470
- - - - -
September 18, 1998

Before POLITZ, Chief Judge, KING, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Wisting Fierro Ruiz, federal prisoner No. 59534-079, appeals the district court's denial of his motion for entry of judgment on a separate document in case No. CA-H-95-1470. We VACATE the denial of this motion and REMAND to the district court for entry of judgment on a separate document. See Hammack v. Baroid Corp., 142 F.3d 266, 269-70 (5th Cir. 1998); Townsend v. Lucas, 745 F.2d 933, 933-34 (5th Cir. 1984). Ruiz has abandoned his argument that the district court erred by denying his motion to set aside

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the judgment in No. CA-H-95-1470. See Yohey v. Collins, 985 F.2d

222, 223-24 (5th Cir. 1993). Ruiz' motion for recusal of the district judge is DENIED. Liteky v. United States, 510 U.S. 540, 554-55 (1994). In light of the order of remand, we find it unnecessary to address the other appellate arguments raised by Ruiz.

VACATED AND REMANDED IN PART; AFFIRMED IN PART; MOTION FOR RECUSAL DENIED.