IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60637
Summary Calendar

DARIES F. MITCHELL,

Plaintiff-Appellant,

versus

LORANCE LUMPKIN, Sheriff;
JAMES HOLDEN, Warden,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:89-CV-746-GR
- - - - - - - - - -
June 19, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Daries F. Mitchell, Mississippi prisoner No. 68075, appeals the district court's dismissal of his civil rights suit for failure to prosecute, and he argues that the proceedings in the district court violated principles of due process because he received inadequate notice of trial. Mitchell also challenges District Judge Russell's decision to recuse himself from the

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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

suit.

We hold that the proceedings in the district court did not violate principles of due process. The district court did not abuse its discretion by dismissing the suit after Mitchell refused to proceed with the trial. Colle v. Brazos County, Tex., 981 F.2d 237, 243 (5th Cir. 1993). Judge Russell's decision to recuse himself was not an abuse of discretion. United States v. Jordan, 49 F.3d 152, 156 (5th Cir. 1995).

Mitchell argues on appeal that this court should investigate a coverup involving stolen property and help Mitchell to recover the property. These issues are outside the scope of the relief Mitchell requested in the district court; because this is a court of error, the court lacks jurisdiction to review these arguments. 28 U.S.C. §§ 1291, 1292.

Mitchell has moved this court for recusal of certain judges from consideration of his appeal and to designate other judges as members of the panel hearing the appeal. His motion is DENIED.

AFFIRMED; MOTION FOR RECUSAL AND TO DESIGNATE PANEL DENIED.