

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10264
Conference Calendar

MARVIN LEE BELL,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA;
FEDERAL BUREAU OF PRISONS SOUTH
CENTRAL REGIONAL OFFICE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:97-CV-214-Y
- - - - -

August 19, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Marvin Lee Bell, federal prisoner # 40037-004, filed a pro se and in forma pauperis (IFP) complaint against the Federal Bureau of Prisons (BOP) alleging violations of his civil rights and the Americans with Disabilities Act (ADA). The district court ordered that Bell's complaint be dismissed as frivolous. Bell did not appeal the district court's judgment; however, nearly 10 months later, he filed a motion to recuse the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

judge. After the district court denied the motion, Bell filed a notice of appeal. In his appellate brief, he argues both that the court should have recused itself and that his complaint should not have been dismissed as frivolous.

Because Bell failed to timely evince his intent to appeal the district court's order of dismissal, this court has no jurisdiction to address the issues generated by such dismissal. See Fed. R. App. P. 4(a)(1). Regarding the court's failure to recuse itself, Bell has failed to demonstrate a reasonable basis for questioning the court's impartiality. See 28 U.S.C. §§ 144, 455(a); United States v. Merkt, 794 F.2d 950, 960 (5th Cir. 1986).

Bell's motions for injunctive relief, for the appointment of counsel, and to seal the records are DENIED.

AFFIRMED; MOTIONS DENIED.