

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-10325
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 5, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

KEVIN D. MOORE,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:11-CV-2540

Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Kevin D. Moore, federal prisoner # 36285-177, was convicted by a jury of transporting and shipping child pornography, 18 U.S.C. § 2252(a)(1) and (b)(1), and possession of child pornography, 18 U.S.C. § 2252(a)(4)(B). *United States v. Moore*, 370 F. App'x 559, 560-62 (5th Cir. 2010). As part of the collateral challenge to this conviction, Moore filed a motion to recuse United States District Judge Reed O'Connor. On appeal, Moore challenges the denial of his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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motion to recuse. We review the denial of a motion to recuse for abuse of discretion. *Matassarín v. Lynch*, 174 F.3d 549, 571 (5th Cir. 1999).

Under 28 U.S.C. § 455(a), a federal judge must “disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). Under 28 U.S.C. § 144, a judge must reassign a case when a party “makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party.” 28 U.S.C. § 144. Moore’s arguments are insufficient to satisfy the standards under either § 455 or § 144. *See Patterson v. Mobil Oil Corp.*, 335 F.3d 476, 484 (5th Cir. 2003); *Liteky v. United States*, 510 U.S. 540, 548 (1994). Accordingly, Moore has not shown that the district court abused its discretion in denying the motion to recuse. *See Matassarín*, 174 F.3d at 571.

AFFIRMED.