

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS  
**FILED**

JAN 04 2017

FIFTH CIRCUIT  
LYLE W. CAYCE, CLERK

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Complaint Number: 05-16-90149

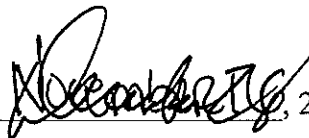
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MEMORANDUM

Complainant, a *pro se* litigant, alleges that the subject United States Magistrate Judge's report recommending dismissal of his lawsuit for failure to state a claim upon which relief could be granted contained numerous erroneous statements regarding his claims against the defendants. He further complains that the magistrate judge erroneously stated that two of his other civil actions had been dismissed. Complainant also alleges that the magistrate judge's denials of his motions for a transcript of the evidentiary hearing and for appointment of counsel obstructed his ability prosecute his claims. He concludes that the magistrate judge was engaged in "a scheme to cover up [the defendants'] unethical practices."

The magistrate judge's recent retirement is an intervening event that makes action on the complaint unnecessary, and the complaint proceeding is therefore concluded pursuant to 28 U.S.C. § 352(b)(2).<sup>1</sup>

An order dismissing the complaint is entered simultaneously herewith.

 2016

  
Carl E. Stewart  
Chief Judge

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<sup>1</sup> The undersigned notes that had the magistrate judge not retired, these allegations would have been subject to dismissal as merits-related and conclusory under 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii).