

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

STEPHEN MARK HAUSE,

Plaintiff-Appellant.

v.

S. R. WITKOWSKI, Warden, in their
individual and official capacities;

A. C. BROCK, Warden, in their
individual and official capacities;

STAN BURTT, Assistant Warden, in
their individual and official
capacities; DOCKINS, Deputy
Warden, in their individual and

official capacities; RAWLSKI, in their
individual and official capacities;

M. HUGHES, Correctional Officer, in
their individual and official

capacities; D. HALL, Correctional
Officer, in their individual and
official capacities; PARKER EVATT,

Commissioner, South Carolina
Department of Corrections, in their
individual and official capacities,

Defendants-Appellees.

No. 96-6271

Appeal from the United States District Court
for the District of South Carolina, at Charleston.

Henry M. Herlong, Jr., District Judge.
(CA-94-1111-2-20AJ)

Submitted: October 3, 1996

Decided: October 16, 1996

Before ERVIN, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Stephen Mark Hause, Appellant Pro Se. David Leon Morrison,
ELLIS, LAWHORNE, DAVIDSON & SIMS, P.A., Columbia, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Appellant appeals from the district court's order denying relief on his 42 U.S.C. § 1983 (1994) complaint. We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. Hause v. Witkowski, No. CA-94-1111-2-20AJ (D.S.C. Jan. 16, 1996). In addition, regarding Appellant's claim of retaliation, we note that the persons allegedly responsible are not named defendants in this action.

Further, although neither the district court nor the magistrate judge explicitly ruled on Appellant's recusal motion, the dismissal of Appellant's action is an implicit denial of the motion. The motion was properly denied, because the mere fact that a judge has entered adverse rulings on motions or presided over other parallel proceedings is not enough in and of itself to warrant recusal. See United States v. Parker, 742 F.2d 127, 128-29 (4th Cir.), cert. denied, 469 U.S. 1076 (1984). Therefore, because Appellant failed to allege any "extrajudicial" bias, we find that the district court did not abuse its discretion in denying Appellant's motion for judicial recusal. See

Shaw v. Martin, 733 F.2d 304, 308 (4th Cir.), cert. denied, 469 U.S. 873 (1984).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED