

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

AUG 01 2017

FIFTH CIRCUIT
LYLE W. CAYCE, CLERK


Docket Number: 05-17-90076


MEMORANDUM

Complainant, a state prisoner, complains that despite notifying the district court that he does not consent to proceed before a magistrate judge, and in violation of complainant's constitutional right to review of his claims by "a real justice," the subject United States Magistrate Judge has continued acting in the case.

The assignment of non-dispositive matters to a magistrate judge under 28 U.S.C. §§ 636(b)(1)(A) and (B) does not require the consent of the parties, and the allegation is therefore subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii).

An order dismissing the complaint is entered simultaneously herewith.


Carl E. Stewart
Chief Judge

, 2017