

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

United States Court of Appeals
Fifth Circuit

FILED

May 27, 2009

No. 09-50123
Summary Calendar

Charles R. Fulbruge III
Clerk

DAVID E. HENDERSON,

Plaintiff–Appellant,

v.

RAMONA SCHUENEMEYER, Regional Commissioner,

Defendant–Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:08-CV-153

Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Pro se appellant David Henderson brought suit against Ramona Schuenemeyer, Regional Commissioner of the Social Security Administration, seeking recovery of a social security insurance payment that was allegedly deposited into a wrong account. The district court adopted the magistrate judge's report and recommendation, which concluded that the court lacked subject matter jurisdiction and that Henderson failed to state a claim. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court dismissed Henderson's claim with prejudice. On appeal, Henderson does not contend that the district court's legal conclusions were incorrect. *See Brinkmann v. Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Instead, Henderson argues that both the district court judge and the magistrate judge were biased against him in violation of his due process rights and alleges that the district court judge met secretly with Schuenemeyer outside of Henderson's presence.

Henderson presents no evidence indicating bias on the part of either judge or suggesting that the district court judge had any interaction with Schuenemeyer. Therefore, we AFFIRM the district court's dismissal with prejudice.