

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2022

Lyle W. Cayce
Clerk

No. 21-50918

STANLEY FOSTER BAKER,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:19-CV-240

Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Stanley Foster Baker, Texas prisoner # 02085771, seeks a certificate of appealability (COA) to appeal the district court's denial of the postjudgment motions he filed in his 28 U.S.C. § 2254 proceeding, challenging his life sentence for continuous sexual abuse of a child and 20-

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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year sentence for indecency with a child by contact. Baker filed an application for a writ of mandamus, a motion to recuse, and a motion pursuant to Federal Rule of Civil Procedure 59(a). Because Baker fails to show that jurists of reason could debate whether the district court abused its discretion in denying his application for a writ of mandamus and Rule 59(a) motion, a COA is denied. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Hernandez v. Thaler*, 630 F.3d 420, 428 (5th Cir. 2011).

A COA is not necessary for us to review Baker's challenge to the district court's denial of his motion to recuse. *See Trevino v. Johnson*, 168 F.3d 173, 177-78 (5th Cir. 1999). Baker's claim of impartiality is conclusory and appears to be based solely on the judge's adverse rulings. *See* 28 U.S.C. § 455(a), (b)(1). Accordingly, he has failed to show that the district court abused its discretion in denying his motion to recuse. *See United States v. Scroggins*, 485 F.3d 824, 830 (5th Cir. 2007).

AFFIRMED; COA MOTION DENIED.