

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-14525
Non-Argument Calendar

D.C. Docket No. 1:11-cv-23774-JAL

TIMOTHY SNEED,

Plaintiff-Appellant,

versus

ROSA I. RODRIGUEZ,
In her individual and official capacity,
ELADIA CHAVEZ,
In her individual capacity,
BOARD OF DIRECTORS AND ADMINISTRATORS -
STATE OF FLORIDA JUDICIAL
QUALIFICATION COMMISSION,
In their individual and official capacities,
JUDICIAL QUALIFICATIONS COMMISSION
OF THE STATE OF FLORIDA,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(April 30, 2013)

Before MARCUS, KRAVITCH, and EDMONDSON, Circuit Judges.

PER CURIAM:

Timothy Sneed, a Florida prisoner proceeding *pro se*, appeals the *sua sponte* dismissal of his 42 U.S.C. § 1983 action. The District Court looked to *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), and 28 U.S.C. § 1367. Sneed also appeals the denial of his motion for recusal of the magistrate judge.

Briefly stated, Sneed contended that he was fraudulently convicted in his state criminal trial. The District Court properly dismissed the first two counts of the complaint under *Heck*, given that the counts requested monetary damages, and properly dismissed -- without prejudice -- the third count for lack of supplemental jurisdiction. The district court also correctly found that Sneed had failed to demonstrate improper bias by the magistrate: no abuse of discretion in denying Sneed's motion for recusal. Objectively viewed, the magistrate seems fully impartial. Sneed alleged no facts that indicate that the magistrate held the kind of antagonism toward him that made fair judgment impossible. For background, see

Liteky v. United States, 510 U.S. 540, 555, 114 S.Ct. 1147, 1157, 127 L.Ed.2d 474 (1994).

AFFIRMED.