[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 14-15622
Non-Argument Calendar

D.C. Docket No. 5:13-cr-00032-MTT-CHW-4

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DELTON RUSHIN,
RONALD LACH, JR,
CHRISTOHER HALL,

Defendants-Appellants.

Appeal from the United States District Court
for the Middle District of Georgia

(June 22, 2016)

Before ED CARNES, Chief Judge, WILLIAM PRYOR and FAY, Circuit Judges.

PER CURIAM:

This appeal originally involved three codefendants: Delton Rushin, Christopher Hall, and Ronald Lach, Jr. We have severed and sent to oral argument the appeals of Rushin and Hall. This opinion addresses only Lach's appeal.

Lach was a corrections officer and member of the Correction Emergency Response Team (CERT) at Georgia's Macon State Prison. He was indicted after the federal government discovered that CERT members had beaten at least four inmates who had previously assaulted corrections officers, and that the CERT members had tried to cover up their misconduct by lying to prison officials and investigators about what had happened to the inmates they attacked. The indictment charged him — along with some other CERT members who are not parties to this appeal — with obstructing justice, conspiring to obstruct justice, and conspiring against others' rights. Following a trial, a jury found him guilty of depriving inmates of their rights, conspiring to obstruct justice, and obstructing justice by falsifying documents. He appeals that judgment on just one ground: that the district judge who presided over the case abused his discretion by denying Lach's recusal motion, which he brought under under 28 U.S.C. §§ 144 and 455.

To require a judge's recusal under § 144, the party moving for it must allege facts in an affidavit that would convince a reasonable person that the judge is actually biased against him. Christo v. Padgett, 223 F.3d 1324, 1333 (11th Cir. 2000). To require recusal under § 455, the movant must establish that an objective,

fully-informed lay observer would entertain significant doubt about the judge's impartiality. Id. Lach's allegations fall well short of those standards. As evidence of the judge's supposed bias, Lach points out that, roughly a decade ago, while the judge was still in private practice, he represented an inmate in a lawsuit against a Georgia prison guard. See Doe v. Ga. Dep't of Corr., 248 F. App'x 67 (11th Cir. 2007). That one representation — in a different case involving different claims by a different defendant against a different officer at a different prison — does not support an inference that the judge inherently sides with inmates against corrections officers, let alone an inference that he decides cases on that basis instead of according to the law.

Lach also refers to comments the judge made at a hearing that were generally critical of some of his arguments. Judicial remarks made in the course of litigation that are critical or disapproving of the parties or their cases ordinarily do not support a bias or partiality charge. Liteky v. United States, 510 U.S. 540, 555, 114 S. Ct. 1147, 1157 (1995). That is especially true when, as here, the remarks merely express the court's concerns about how certain arguments comport with the law.

AFFIRMED.