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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Timothy Peoples,)	Case No. CV 06-7366 JVS (AGR)
Plaintiff,)	
vs.)	ORDER DENYING MOTION FOR
J. Davis, et al.)	DISQUALIFICATION
Defendants.)	

On July 17, 2008, Magistrate Judge, the Honorable John C. Rayburn, issued his Report and Recommendation in this case. On August 8, 2008, plaintiff filed a “peremptory challenge” seeking to disqualify Judge Rayburn after his resignation. On August 28, 2008, the Honorable James V. Selna denied plaintiff’s “peremptory challenge” because he provided no factual support for his allegations that Judge Rayburn had engaged in misconduct. On August 29, 2008, Judge Selna adopted Judge Rayburn’s Report and Recommendation. On August 11, 2008, this case was reassigned to Magistrate Judge, the Honorable Alicia G. Rosenberg.


On September 17, 2008, plaintiff filed the instant motion to disqualify Judges Selna and Rosenberg for “their continuation of resigned magistrate’s prejudice, personal bias, and personal knowledge of disputed evidentiary facts concerning the proceedings.” Mot. at 1. Plaintiff appears to argue that Judges Selna and Rosenberg

1 have improperly relied on the prior rulings of Judge Rayburn.

2 The Court treats this as a motion for disqualification pursuant to 28 U.S.C. § 455.
3 Plaintiff offers no new factual support for his allegations that Judge Rayburn engaged in
4 misconduct and that Judges Selna and Rosenberg furthered that alleged misconduct. In
5 any event, plaintiff's motion is an improper collateral attack on a final judgment. In
6 accordance with the foregoing, plaintiff's motion is hereby DENIED.

7 IT IS SO ORDERED.

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9 Dated: September 29, 2008


10 CHRISTINA A. SNYDER
11 UNITED STATES DISTRICT JUDGE
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