

STATE OF MICHIGAN
COURT OF APPEALS

THEDFORD A. ROWSER,

Plaintiff-Appellant,

v

WILLIAM BEAUMONT HOSPITAL, BARRY
M. GRANT, THOMAS J. McASKIN, ROBERT
L. MARTIN, DONNA THOMPSON, CATHOLIC
SOCIAL SERVICES, BARBARA CLEREBOU,
and KAREN GULLBERG COOK,

Defendant-Appellees,

and

OAKLAND CIRCUIT JUDGE FRED M.
MESTER,

Amicus Curiae.

UNPUBLISHED

December 18, 2001

No. 225134

Oakland Circuit Court

LC No. 99-015629-CZ

Before: Meter, P.J., and Jansen and Gotham*, JJ.

PER CURIAM.

Plaintiff, acting *in propria persona*, appeals as of right the trial court's order denying her conjoined motions for new trial, disqualification of the court, joinder of parties, change of venue, and alteration or amendment of judgments. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, acting *in propria persona*, filed suit in Oakland Circuit Court alleging that defendants engaged in discrimination in violation of 42 USC 1983 and the Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.* The case was assigned to Judge Mester. Defendants moved for summary disposition based on various grounds. The trial court granted the motions and dismissed the case.

Plaintiff filed a conjoined motion seeking a new trial, disqualification of the court, joinder of parties, change of venue, and alteration or amendment judgments. She alleged that the proceedings to that point had been tainted by irregularities, including the execution of forged orders, and that Judge Mester should have voluntarily disqualified himself because he was prejudiced against her. In addition, plaintiff sought to consolidate this matter with other cases in which she was involved. The trial court denied the motion in its entirety.

Plaintiff's entire argument focuses on the trial court's denial of the motion for disqualification. She presents no argument regarding the other aspects of the court's rulings; therefore, we deem those issues abandoned. *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

A judge is disqualified when he cannot impartially hear a case. The situations that warrant disqualification include, but are not limited to: when the judge is personally biased or prejudiced for or against a party or an attorney; when the judge has personal knowledge of disputed facts; when the judge has been consulted or employed as an attorney in the matter; when the judge was a partner of a party, the attorney for a party, or a member of a law firm representing a party within the last two years; when the judge knows that he or a relative has an economic interest in the proceeding that is more than de minimus; or when the judge or a relative is a party to the proceeding, is acting as an attorney in the proceeding, or is likely to be a material witness in the proceeding. MCR 2.003(B). We review the factual findings supporting a ruling on a motion for disqualification for an abuse of discretion and the application of the facts to the law de novo. *Cain v Dep't of Corrections*, 451 Mich 470, 503 n 8; 548 NW2d 210 (1996).

Plaintiff argues that the trial court was subject to disqualification because he was personally prejudiced against her. MCR 2.003(B)(1). We disagree and affirm the trial court's decision in its entirety. Generally, a showing of actual prejudice is required to disqualify a judge. A judge is presumed to be impartial, and a showing of partiality usually requires that the prejudice be personal and have its origin in events or information from outside the judicial proceeding. *Cain, supra* at 495-497. Plaintiff has pointed to no remarks or rulings by the court that demonstrate that the court was prejudiced against her based on race or gender. The fact that the court presided over a prior, unrelated proceeding in which plaintiff was involved does not establish that the court was prejudiced against plaintiff. *Impullitti v Impullitti*, 163 Mich App 507, 514; 415 NW2d 261 (1987). No evidence showed that the court had any involvement whatsoever in the actual investigation conducted of plaintiff's unauthorized practice of law by the State Bar or that he held any personal animus toward plaintiff as a result of those proceedings. Finally, the fact that the court ruled in favor of defendants does not demonstrate prejudice. Repeated rulings against a litigant do not establish prejudice, even if the rulings are erroneous. *Wayne County Prosecutor v Parole Bd*, 210 Mich App 148, 155; 532 NW2d 899 (1995). Plaintiff has not established that the trial court's rulings in favor of defendants were erroneous. She has not overcome the presumption that the trial court was impartial. *Cain, supra* at 495.

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Roy D. Gotham