

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CHARIELL ALI GLAZE,
ADC #147919

PLAINTIFF

v.

4:11-cv-00881-JLH-JJV

SUSAN K. WEAVER; *et al.*

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion for Recusal (Doc. No. 48) of the undersigned Magistrate Judge in this matter. In the Motion, Mr. Glaze alleges this Judge is in collusion with state officials. *Id.*

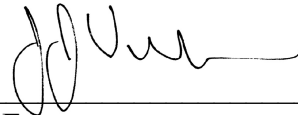
Under § 455(a), a judge is required to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Congress amended § 455 in 1974 "to clarify and broaden the grounds for judicial disqualification and to conform with the recently adopted [American Bar Association] Code of Judicial Conduct, Canon 3C (1974)." *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 858 n.7 (1988). "The question is 'whether the judge's impartiality might reasonably be questioned by the average person on the street who knows all the relevant facts of a case.'" *United States v. Dehghani*, 550 F.3d 716, 721 (8th Cir. 2008) (citation omitted). "A party introducing a motion to recuse carries a heavy burden of proof; a judge is presumed to be impartial and the party seeking disqualification bears the substantial burden of proving otherwise." *Pope v. Fed. Express Corp.*, 974 F.2d 982, 985 (8th Cir. 1992).

The undersigned took a sacred oath to administer justice without respect to persons, giving equal right to the poor and to the rich. I further swore that I would faithfully and impartially discharge and perform the duties of United States Magistrate Judge under the Constitution and laws

of the United States. This Court gives no favor to any one side in any case and is not colluding with state officials in this case. This Court will faithfully and impartially make decisions based on the law and facts.

Therefore, Plaintiff's Motion for Recusal (Doc. No. 48) is DENIED.

DATED this 4th day of December, 2012.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', is written above a horizontal line.

JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE