

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAVID JONES
ADC #94099

PLAINTIFF

V.

5:12CV00456 SWW/JTR

MEGAN BOND, Varner Unit Infirmary,
Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

Plaintiff, David Jones, has filed two non-dispositive Motions, which the Court will address separately.

I. Motion for Recusal

Plaintiff has recently filed a Second Motion arguing that I should recuse from this case.¹ *Doc. 136*. Plaintiff claims that I am impartial because, on March 26, 2014, I denied his Motions to Compel that sought production of a copy of his prison medical file and ADC Health Services Policy 800. *Doc. 132*. As previously explained to Plaintiff, a judge's rulings "do not constitute a basis for a bias or partiality" unless the rulings "display a deep-seated favoritism or antagonism that would make fair

¹ On September 30, 2013, Plaintiff filed a Motion arguing that I should recuse because I entered an Initial Scheduling Order staying discovery until the exhaustion issue was resolved. *Doc. 86*.

judgment impossible." *Id.* Nothing about my March 26, 2014 ruling constitutes a bias, partiality, favoritism, or antagonism toward either party. Further, there is nothing that prevents me from continuing to be fair, unbiased, and impartial over the proceedings in this matter. Accordingly, the Second Motion for Recusal is denied.

II. Motion for Copies

Plaintiff has filed a Motion (*Doc. 138*) stating that he did not receive a copy of this free world medical records that were produced pursuant to the April 1, 2014 subpoena duces tecum (*Doc. 134*). The Court's records demonstrate that the Clerk mailed copies of those medical records to Plaintiff on April 15, 2014, which was only five business days before Plaintiff filed his Motion for Copies. *Doc. 137*. Thus, it is likely that Plaintiff received the medical records sometime after he filed his Motion for Copies. Accordingly, the Motion for Copies is denied at this time. If Plaintiff has not received copies of his subpoenaed medical records by the time he receives this Order, he should refile his Motion for Copies.

III. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Second Motion for Recusal (*Doc. 136*) is DENIED.
2. Plaintiff's Motion for Copies (*Doc. 138*) is DENIED.

Dated this 9th day of May, 2014.



UNITED STATES MAGISTRATE JUDGE