

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

KENNY COFFEY
ADC # 86434

PLAINTIFF

v.

5:13-cv-274-DPM-JJV

GRANT HARRIS, Warden; JAMES BANKS,
Warden; MARK CASHION, Warden; KAY HOWELL,
Warden; DANNY BURL, Warden; JENKINS,
Classification Officer; CURTIS-TYLER,
Classification Officer; LISA WALKER, Classification
Officer; DAVID BREWER, Classification Officer; and
VALARIE WESTBROOK, Classification Officer

DEFENDANTS

ORDER

The Court has received a letter from Coffey, which it directed the Clerk to file as a motion for reconsideration regarding a partial recommended disposition, *No 8*, and the Court's adoption of it without objection, *No 10*.

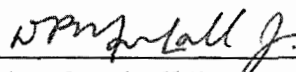
Motion for reconsideration, *No 17*, granted. The Court vacates its 19 November 2013 Order, *No 10*, based on lack of timely notice to Coffey of the recommended disposition. Coffey has until 31 December 2013 to file any further objection he wishes to the recommendation, *No 8*.

Coffey's various assertions of bias on the part of the Magistrate Judge are unfounded. Adverse rulings, for example, do not establish bias. And the

October date in the recommendation is obviously a typographical error. No basis appears of record to reasonably question the Magistrate Judge's impartiality. And the Court cautions Coffey against making any similar unsubstantiated allegations in the future.

The Magistrate Judge is handling preliminary matters, and making recommendations on dispositive matters. This is how most prisoner § 1983 claims are handled in this Court. Local Rule 72.1; FED R. CIV P. 72(b). Coffey did not consent, at the start of this case, to the Magistrate Judge acting as the District Court. This was his choice: Coffey has thus preserved his right to have the undersigned continue presiding over this case. But Coffey cannot dictate whether a Magistrate Judge assists this Court by handling non-dispositive matters and by making recommendations.

So Ordered.



D.P. Marshall Jr.
United States District Judge

5 December 2013