

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

DAVID A. STEBBINS

PLAINTIFF

v.

Case No. 3:11-CV-03057

LEGAL AID OF ARKANSAS

DEFENDANT

**ORDER**

Currently before the Court is Plaintiff David Stebbins's Motion to Set Aside Judgment and to Disqualify Judge. (Doc. 97).

The Court, having reviewed Mr. Stebbins's motion, finds that it should be denied. Mr. Stebbins argues that Magistrate Judge James Marschewski has demonstrated an animus against him by entering a report and recommendation in various of Mr. Stebbins's other cases filed in this District, recommending that Mr. Stebbins not be granted leave to proceed *in forma pauperis*. The Court cannot find that those reports and recommendations are evidence of an animus held by Judge Marschewski against Mr. Stebbins. Rather, they are Judge Marschewski's recommendations to this Court based on his review of the applicable law. The fact that Mr. Stebbins disagrees with or does not like Judge Marschewski's recommendations does not create grounds for disqualification. Mr. Stebbins has filed objections to those reports and recommendations, which will be considered by the Court.

Furthermore, this case was extensively litigated by the parties. Judgment was entered in favor of the Defendant, and that judgment has now been upheld on appeal. This case is closed. The Court finds that Mr. Stebbins has not provided a sufficient reason, under Federal Rule of Civil Procedure 60(b), for setting aside the judgment in this case.

IT IS THEREFORE ORDERED that Mr. Stebbins's Motion to Set Aside Judgment and to Disqualify Judge (Doc. 97) is DENIED.

IT IS SO ORDERED this 3rd day of July, 2013.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE