

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 09-6149 CAS (CT)	Date	November 13, 2009
Title	CORNELIUS ANDERSON v. THE PEOPLE OF THE STATE OF CALIFORNIA, ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER		
CATHERINE JEANG	Not Present	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (In Chambers): **PETITIONER'S MOTION TO DISQUALIFY MAGISTRATE JUDGE CHOOLJIAN FOR POOR JUDGMENT** (filed 09/22/09)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. The hearing date is hereby vacated and the matter is hereby taken under submission.

On August 24, 2009, petitioner Cornelius Anderson filed a request to proceed in forma pauperis. On October 28, 2009, Magistrate Judge Chooljian ("the Magistrate Judge") denied without prejudice petitioner's request to proceed in forma pauperis, because his request was not accompanied by the requisite certified copy of petitioner's inmate trust account statement reflecting his account activity for the past six months. On November 9, 2009, petitioner filed the instant motion to disqualify Magistrate Judge Chooljian for poor judgment Mot. at 1.

28 U.S.C. § 144 provides in relevant part: "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding." Furthermore, 28 U.S.C. § 455(a) provides in relevant part: "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(b) lists a number of circumstances in which a "justice, judge, or magistrate judge" shall "disqualify himself," none of which apply here.

It appears that petitioner seeks to disqualify Magistrate Judge Chooljian, because he disagrees with her rulings. This is not a basis for granting a motion to disqualify a

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judicial officer, and the request is therefore DENIED. Pursuant to the Magistrate Judge's order on October 28, 2009, petitioner may re-file a request to proceed in forma pauperis along with the requisite copy of his inmate trust account statement.

IT IS SO ORDERED.

Initials of Preparer

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CMJ