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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RONALD VICTOR SEVILLA,

CASE NO. 1:06-cv-00172-LJO-YNP PC

Plaintiff,

ORDER DENYING MOTIONS

v.

(Doc. 57, 58, 59)

DARREL ADAMS, et al.,

Defendants.

Plaintiff Ronald Victor Sevilla (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court are three motions filed by Plaintiff. On May 18, 2009, Plaintiff filed a motion “fore leave to file an amended access to the court jury trial demanded.” (Doc. #57.) On June 1, 2009, Plaintiff filed a motion for “consideration.” (Doc. #58.) On June 2, 2009, Plaintiff filed another motion for “consideration” that appears to raise the same issues as the June 1 motion.¹ (Doc. #59.)

Plaintiff’s May 18, 2009 motion requests “leave to file an amended for jury trial demanded and access to the court.” (Mot. for Leave to File an Amended Access to the Court Jury Trial Demanded 1:16-18.) It is unclear what this means. Plaintiff claims that he has cognizable claims and closes his motion with the assertion that “[t]his court should grant leave freely to amend a complaint.” (Mot. for Leave to File an Amended 2:9-10.) Plaintiff filed his motion concurrently

¹The only difference between the June 2 motion and the June 1 motion is that the June 2 motion is addressed to “the honorable Lawrence K. Karlton chief judge” while the June 1 motion is addressed to “the honorable Lawrence J. O’Neill, district judge.” It is unclear why Plaintiff addressed a motion to Judge Karlton, who is not assigned to this case.

1 with his fifth amended complaint. It is unnecessary for Plaintiff to seek leave to file an amended
2 complaint because Plaintiff was ordered to file an amended complaint in the Court's May 1, 2009
3 screening order. (Doc. #55.) This action will proceed on Plaintiff's fifth amended complaint. Other
4 than requesting leave to file an amended complaint, the Court is unable to meaningfully interpret
5 Plaintiff's motion. Accordingly, the Court will deny Plaintiff's motion without prejudice. If
6 Plaintiff wishes to re-file his motion, Plaintiff must clearly articulate the relief that he seeks.

7 Plaintiff's June 1, 2009 and June 2, 2009 motions appear to request the recusal of Magistrate
8 Judge William M. Wunderlich. Plaintiff complains that Judge Wunderlich is biased. Judge
9 Wunderlich has since retired and this action has been reassigned to Magistrate Judge Sandra M.
10 Snyder. As such, Plaintiff's motion for recusal will be denied as moot.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Plaintiff's motion, filed on May 18, 2009, is DENIED; and
- 13 2. Plaintiff's motions for recusal, filed on June 1, 2009 and June 2, 2009 are DENIED.

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15 IT IS SO ORDERED.

16 **Dated: February 4, 2010**

17 /s/ Sandra M. Snyder
18 UNITED STATES MAGISTRATE JUDGE
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