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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Michael Lenoir Smith,	)	No. CV 1-07-1547-SRB
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Arnold Schwarzenegger, et al.,	)	
Defendants.	)	

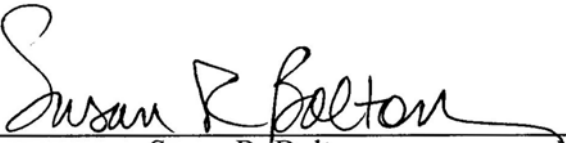
Pending before the Court is Plaintiff’s July 16, 2012 “Motion and Request to Recuse Susan R. Bolton” (Doc. 50). Plaintiff seeks recusal of the undersigned judge and contends that recusal is appropriate because previous rulings unfavorable to Plaintiff demonstrate bias and prejudice against Plaintiff’s case.

A motion to recuse a judge, whether it is based on 28 U.S.C. § 455(a), 28 U.S.C. § 455(b)(1) or 28 U.S.C. §144, must demonstrate that any alleged bias or impartiality stems from extrajudicial conduct, *i.e.*, a litigant may not seek recusal based on a prior adverse ruling in the case. See Hasbrouck v. Texaco, Inc., 830 F.2d 1513 (9th Cir. 1987) (citing In re Beverly Hills Bancorp, 752 F.2d 1334, 1341 (9th Cir. 1984)) (28 U.S.C. § 455(a) and (b)(1)); United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986) (same); United States v. Grinnell Corp., 384 U.S. 563, 583 (1966) (28 U.S.C. § 144). Plaintiff has not demonstrated or even suggested any extrajudicial bias. Accordingly, the Motion and Request to Recuse will be denied.

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**IT IS ORDERED** that Plaintiff’s July 16, 2012 “Motion and Request to Recuse Susan R. Bolton” (Doc. 50) is **denied**.

DATED this 18<sup>th</sup> day of July, 2012.

  
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Susan R. Bolton  
United States District Judge