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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CHARLES T. DAVIS,	CASE NO: 1:10-cv-01184-LJO-GBC (PC)
Plaintiff,	ORDER DENYING MOTION FOR RECUSAL WITH PREJUDICE
v.	(Doc. 16)
CLARK J. KELSO, et al.,	
Defendants.	

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Charles Davis (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis (“IFP”) in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on July 1, 2010. (Doc. 1). On April 22, 2011, the Court issued an “order to show cause” as to why Plaintiff’s IFP status should not be revoked pursuant to 28 U.S.C. § 1915(g). (Doc. 15). In response, on April 29, 2011, Plaintiff filed a motion seeking recusal of the undersigned. (Doc. 16).

Disqualification is required if a judge’s impartiality might reasonably be questioned, or if the judge has a personal bias or prejudice for or against a party. *Hasbrouck v. Texaco, Inc.*, 842 F.2d 1034, 1045 (9th Cir. 1988) (citing 28 U.S.C. §§ 455(a), 455(b)(1)), *aff’d*, 496 U.S. 543 (1990). “The bias must stem from an extrajudicial source and not be based solely on information gained in the course of the proceedings.” *Id.* (citing *In re Beverly Hills Bancorp*, 752 F.2d 1334, 1341 (9th Cir. 1984)). Plaintiff’s disagreement with the Court’s judicial rulings in this case does not constitute a valid basis for a bias or partiality motion. *In re Focus Media, Inc.*, 378 F.3d 916, 930 (9th Cir. 2004) (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)). Contrary to Plaintiff’s assertions, the

1 Court's order to show cause is not proof of judicial bias. *See In re Complaint of Judicial*  
2 *Misconduct*, 599 F.3d 1087, 1088 (9th Cir. 2010); *In re Complaint of Judicial Misconduct*, 583 F.3d  
3 598, 598 (9th Cir.2009) (unsubstantiated assertion that a judge harbored racial bias insufficient and  
4 "adverse rulings alone do not constitute proof of bias").

5 Plaintiff has not made the requisite showing, and his motion for recusal of the undersigned  
6 is denied. For the reasons set forth herein, Plaintiff's motion, filed April 29, 2011, is HEREBY  
7 DENIED, with prejudice.

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9 IT IS SO ORDERED.

10 Dated: May 2, 2011

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13 UNITED STATES MAGISTRATE JUDGE