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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 RICHARD LOUIS ARNOLD PHILLIPS,

12 Petitioner,

13 v.

14 DAVE DAVEY,

15 Respondent.
16

1:15-cv-00325-GSA-HC

ORDER DENYING PETITIONER'S
MOTION TO EXPEDITE RULING
(ECF No. 7)

17 Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28
18 U.S.C. § 2254.

19 On June 5, 2015, Petitioner filed a motion to expedite proceedings in the pending petition
20 for writ of habeas corpus. (ECF No. 7). As Petitioner correctly states, the instant action is
21 pending before this Court. However, the Court does not have an expedited calendar. Petitioner
22 is advised that the Court acts to resolve all pending cases in the most efficient manner possible.
23 The Court is aware of Petitioner's pending petition. Nevertheless, the Court's docket of pending
24 cases is substantial, and the Court must act first on those matters that have been pending the
25 longest.

26 In Petitioner's motion, he also mentions that the Court may have reservations regarding
27 the appearance of impartiality in light of the undersigned's past relationship with former Madera
28 Prosecutor David Minier. The Court notes that Petitioner has not made a formal motion to recuse

1 the undersigned, but the Court will address this statement by the Petitioner. The undersigned
2 notes that he is not aware of any connection between himself and David Minier. The
3 undersigned has no concern about his ability to be impartial in this case. Therefore, the
4 undersigned will continue to hear and determine this petition.

5 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion to expedite the
6 pending petition for writ of habeas corpus is DENIED.

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9 IT IS SO ORDERED.

10 Dated: June 22, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE