



1 undersigned is unable to rule impartially and that the rulings in this action have assisted defense  
2 counsel in this case. Plaintiff requests oral argument, case management, and that the trial judge  
3 take over all further proceedings. Plaintiff contends that Defendant Ridge and counsel had years  
4 to submit dispositive motions, and counsel is paid with taxpayer dollars while Plaintiff is  
5 litigating as an indigent prisoner. Plaintiff alleges other examples that he contends demonstrate  
6 bias against him in this action, including discussions during prior settlement conferences with a  
7 different magistrate judge and pending deadlines in other actions he has filed in this district.  
8 Although Plaintiff states that the extension of the dispositive motion deadline in this action  
9 prejudices him with respect to his other pending case, Plaintiff does not explain how these matters  
10 are related and how he will be prejudiced. (*Id.*)

11 The Court finds Plaintiff's objections unpersuasive. As stated in the Court's July 15, 2022  
12 order granting Defendant Ridge's motion, the Court found that Defendant presented good cause  
13 for the requested extension. (ECF No. 76.) As discussed in the Court's order, new counsel was  
14 substituted for Defendant Ridge on May 24, 2022, and although new counsel has been diligently  
15 investigating the claim and preparing to draft the dispositive motion by the due date, has been  
16 waylaid by unanticipated health issues. The Court finds that these circumstances, outside of the  
17 control of Defendant Ridge or defense counsel, present good cause for a relatively brief extension  
18 of the dispositive motion deadline, particularly as it applies only to Defendant Ridge.

19 Having considered the objections, the Court finds that extension of the dispositive motion  
20 deadline as to Defendant Ridge was appropriate.

21 As to Plaintiff's request that the trial judge take over all further proceedings in this action,  
22 the Court construes the request as a motion for recusal by the undersigned. A magistrate judge  
23 must disqualify himself if "his impartiality might be reasonably questioned," 28 U.S.C. § 455(a),  
24 or if "he has a personal bias or prejudice concerning a party, or personal knowledge of disputed  
25 evidentiary facts concerning the proceeding," 28 U.S.C. § 455(b)(1). "[J]udicial rulings or  
26 information acquired by the court in its judicial capacity will rarely support recusal." *United*  
27 *States v. Johnson*, 610 F.3d 1138, 1147 (9th Cir. 2010) (citing *Liteky v. United States*, 510 U.S.  
28 540, 555 (1994)).

1 The objective test for determining whether recusal is required is whether a reasonable  
2 person with knowledge of all the facts would conclude that the judge's impartiality might  
3 reasonably be questioned. *Johnson*, 610 F.3d at 1147 (quotation marks and citation omitted);  
4 *Pesnell v. Arsenault*, 543 F.3d 1038, 1043 (9th Cir. 2008). "Adverse findings do not equate to  
5 bias," *Johnson*, 610 F.3d at 1147.

6 Plaintiff's arguments are not sufficient to show personal bias or prejudice by the  
7 undersigned. Plaintiff's objection to the Court extending a deadline or making other rulings that  
8 are not in his favor does not in and of itself demonstrate bias against him. Plaintiff's  
9 disagreement with the Court's rulings is not a legitimate ground for seeking recusal or  
10 disqualification. There is no evidence that the undersigned's orders were derived from any  
11 extrajudicial source beyond the papers and record in this matter, and Plaintiff's conclusory  
12 allegations that the decisions in this case are in any way related to the decisions of other judges in  
13 other matters do not demonstrate otherwise.

14 Finally, the Court notes that the merits of Plaintiff's objections have been addressed here  
15 as a one-time exception, but unless expressly permitted by the Court's Local Rules, Plaintiff does  
16 not have the right to object to a ruling by the Court. *See, e.g.* Local Rule 304 (permitting  
17 objections to findings and recommendations submitted to the District Judge).

18 Accordingly, IT IS HEREBY ORDERED as follows:

- 19 1. Plaintiff's objections to the order granting Defendant Ridge's motion to modify the  
20 discovery and scheduling order, (ECF No. 77), are OVERRULED; and
- 21 2. Plaintiff's motion for recusal of magistrate judge, (ECF No. 77), is DENIED.

22  
23 IT IS SO ORDERED.

24 Dated: August 2, 2022

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE