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

DANNY JAMES COHEA,

Plaintiff,

No. 2:00-cv-2799 GEB EFB P

vs.

CHERYL K. PLILER, WARDEN, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 25, 2013, the undersigned filed findings and recommendations with respect to defendants’ motions for summary judgment and to declare plaintiff a vexatious litigant. Dckt. No. 224. Plaintiff has filed objections to the findings and recommendations.


Plaintiff’s 54-pages of objections are replete with accusations directed at the undersigned. *E.g.*, Dckt. No. 225 at 6 (magistrate judge is “conniving to deprive plaintiff’s federal constitutional . . . and . . . statutory rights”), 12 (magistrate judge is conniving with defendants), 13 (magistrate judge should face civil and criminal liability for his conduct in this case, which plaintiff intends to pursue), 13-14 (magistrate judge has acted with “mass corruption” and plaintiff intends to file a *Bivens* action against him), 14 (magistrate judge has made false statements to relieve defendants of liability), 46 (magistrate judge is a “vile man”). The court

1 construes the objections to contain a request to disqualify the undersigned pursuant to 28 U.S.C.
2 § 455. A judge should disqualify himself under that section where a reasonable person with
3 knowledge of all the facts would conclude that the judge's impartiality might reasonably be
4 questioned. *United States v. Winston*, 613 F.2d 221, 222 (9th Cir. 1980). Plaintiff's complaints
5 against the undersigned in this case do not demonstrate personal bias or lack of impartiality. In
6 fact, the findings and recommendations include several recommendations in his favor. Plaintiff
7 offers no facts, other than that the undersigned has also made recommendations in favor of
8 defendants, that demonstrate bias.

9 Accordingly, plaintiff's complaints against the undersigned contained in his March 11,
10 2013 objections (Dckt. No. 225) are construed as a motion for recusal and are DENIED.

11 So ordered.

12 DATED: March 21, 2013.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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