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

JONOTHAN EDWIN PELASKE,

Plaintiff,

No. 2: 11-cv-0757 KJM KJN P

vs.

MICHAEL KHORONOV, et al.,

Defendants.

ORDER

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On June 7, 2011, plaintiff filed a motion to recuse the undersigned from this action. Plaintiff contends that the undersigned did not properly screen his first amended complaint.

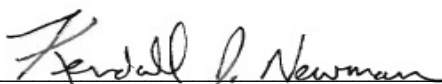
A judge is required to disqualify himself if his impartiality might reasonably be questioned, 28 U.S.C. § 455(a), or if he has a personal bias or prejudice against a party, 28 U.S.C. § 455(b)(1). Remarks made during the course of a judicial proceeding that are critical or hostile to a party or his case ordinarily will not support a bias or partiality claim unless they reveal an extrajudicial source for the opinion, or “such a high degree of favoritism or antagonism as to make fair judgment impossible.” Liteky v. United States, 510 U.S. 540, 554 (1994.) The decision regarding disqualification is made by the judge whose impartiality is at issue. Bernard v. Coyne, 31 F.3d 842, 843 (9th Cir. 1994).

1           Where the source of alleged bias or prejudice is a judicial proceeding, plaintiff  
2 must show a disposition on the part of the judge that “is so extreme as to display clear inability to  
3 render fair judgment.” Liteky, 510 U.S. at 541. “Opinions formed by the judge on the basis of  
4 facts introduced or events occurring in the course of the current proceedings, or of prior  
5 proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-  
6 seated favoritism or antagonism that would make fair judgment impossible.” Id. at 555. Bias is  
7 not found where the judge has expressed anger or dissatisfaction or annoyance that are within the  
8 bounds of reasonable behavior. Id.

9           The undersigned’s actions in this case do not support disqualification. The  
10 actions taken were an appropriate response to filings. The undersigned’s rulings do not reflect an  
11 extreme disposition or deep-seated antagonism. They do not reflect animosity, partiality, or  
12 inability to render a fair judgment in the instant action. They do not indicate bias, personal or  
13 otherwise, or prejudice, personal or otherwise.

14           Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for recusal of the  
15 undersigned (Dkt. No. 10) is denied.

16 DATED: June 10, 2011

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19 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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