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

LEON E. MORRIS,

Plaintiff,

No. 2:13-cv-0589 CKD P

vs.

C. M. GREEN,

Defendant.

ORDER

_____ /

On April 4, 2013, plaintiff filed a request to have the undersigned recuse herself from this action, asserting that she is biased or prejudiced against him. (Dkt. No. 4.) The court construes this as a motion for disqualification.

Motions for disqualification are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. See Pesnell v. Arsenault, 543 F.3d 1038, 1043 (9th Cir. 2008). Under 28 U.S.C. § 144, if a party demonstrates that “the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.” 28 U.S.C. § 144. Similarly, 28 U.S.C. § 455 provides that a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned” and in proceedings in which “he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary

