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United States District Court
For the Northern District of California

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

TSEGAI HAILE,
Plaintiff,
v.
SANTA ROSA MEMORIAL HOSPITAL, et
al.,
Defendants

No. 08-4149 MMC

**ORDER DENYING PLAINTIFF'S
APPLICATION FILED MARCH 24, 2010**

The Court is in receipt of plaintiff's "Application; Motion for Court's Assistance to Appoint a Counsel; to Proceed in Forma Pauperis and Statements & Concerns of Impartiality?," filed March 24, 2010. Having read and considered the application, the Court rules as follows:

1. To the extent the application seeks an order of disqualification, the application is hereby DENIED as procedurally defective, as it is not supported by a declaration,¹ and substantively improper, as it is based solely on court rulings. See United States v. Sibla, 624 F.2d 864, 869 (9th Cir. 1980) (holding bias must stem from "extrajudicial source"),

2. To the extent the application seeks an order allowing plaintiff to proceed in forma

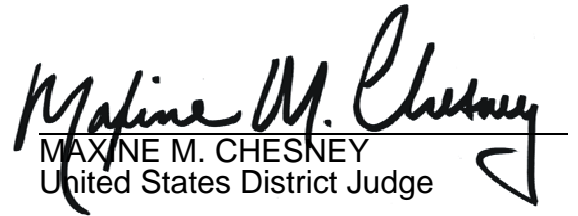
¹Plaintiff submitted a declaration in support of his application, but did not address therein any issue concerning bias.

1 pauperis, the application is hereby DENIED, for the reason that no filing fee is due.

2 3. To the extent the application seeks reconsideration of the Court's Order of March
3 15, 2010, the application is hereby DENIED. Contrary to plaintiff's argument, plaintiff has
4 failed to show he will be deprived of liberty if he does not prevail in the instant action, nor
5 has he shown, in light of the jury's findings in favor of defendant made herein, that his
6 claims have merit.

7 **IT IS SO ORDERED.**

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9 Dated: April 7, 2010

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11 MAXINE M. CHESNEY
12 United States District Judge

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