

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 MOTION
TO DISQUALIFY**

By order filed April 7, 2010, the Court denied plaintiff’s application filed March 24, 2010 (“Application”), by which Application plaintiff sought an order of disqualification. On April 15, 2010, plaintiff filed a “Motion and Peremptory Challenge to Disqualify Judge Chesney” (“Motion”). Having read and considered the Motion, the Court hereby rules as follows.

The Court finds plaintiff’s Motion is both substantively meritless and procedurally deficient. First, because plaintiff solely relies on court rulings, plaintiff has, again, failed to identify any cognizable basis for disqualification. See United States v. Sibla, 624 F.2d 864, 869 (9th Cir. 1980) (holding bias must stem from “extrajudicial source”). Second, the Motion is deficient because it seeks, in essence, reconsideration of the Court’s prior ruling denying disqualification. (See Order Denying Application, filed Apr. 7, 2010)

1 Reconsideration is only available upon leave of court, see Civil L.R. 7-9(a), and only if
2 based on a showing of at least one of the following grounds:

3
4 (1) That at the time of the motion for leave, a material
5 difference in fact or law exists from that which was presented to
6 the Court before entry of the interlocutory order for which
7 reconsideration is sought. The party also must show that in the
8 exercise of reasonable diligence the party applying for
9 reconsideration did not know such fact or law at the time of the
10 interlocutory order; or

11 (2) The emergence of new material facts or a change of
12 law occurring after the time of such order; or


13 (3) A manifest failure by the Court to consider material
14 facts or dispositive legal arguments which were presented to the
15 Court before such interlocutory order.

16 See Civil L.R. 7-9(b). Plaintiff has made no such showing.

17 Accordingly, for all of the reasons set forth above, the Motion is hereby DENIED.

18 **IT IS SO ORDERED.**

19 Dated: April 16, 2010

20
21
22
23
24
25
26
27
28


MAXINE M. CHESNEY
United States District Judge