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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

EDWARD E. ANDERSON,
Plaintiff,
v.
AMERICAN AIRLINES, INC.,
Defendant.

No. C-08-4195 MMC

**ORDER DENYING PLAINTIFF’S MOTION
FOR RECUSAL**

Before the Court is plaintiff Edward Anderson’s (“plaintiff”) Motion to Vacate Judgment and memorandum in support thereof, filed April 6, 2011 before the Honorable William Alsup and construed thereby as a motion for recusal. (See Order, filed April 12, 2011, referring “Motion for Recusal.”)¹ Defendant American Airlines, Inc. has filed opposition. Having read and considered the parties’ respective submissions, the Court rules as follows.

By the instant motion, plaintiff seeks to “renew[]” a motion for recusal previously filed by plaintiff pursuant to 28 U.S.C. § 144 (see Pl. Mem. at 26) and denied December 15, 2009 (see Order Denying Disqualification (Breyer, J.)). Plaintiff cites no statutory or case authority, however, to support renewal or reconsideration of his earlier motion for recusal,


¹ Also before the Court are two documents correcting errors in the above-described notice and memorandum, as well as plaintiff’s letter of April 1, 2011 incorporated by reference in said memorandum.

1 and to the extent the instant motion is construed as a new motion based on newly-
2 discovered facts, such motion is procedurally defective in that it is not supported by an
3 affidavit “stat[ing] the facts and the reasons for the belief that bias or prejudice exists,”
4 see 28 U.S.C. § 144. Further, any procedural defect aside, the Court, having reviewed the
5 record on which plaintiff relies, finds no basis for the relief requested. See 28 U.S.C. § 455
6 (setting forth circumstances under which judge shall disqualify himself); Liteky v. United
7 States, 510 U.S. 540, 555 (1994) (noting, under both § 144 and § 455, “judicial rulings
8 alone almost never constitute a valid basis for a bias or partiality motion”).

9 Accordingly, plaintiff’s motion is hereby DENIED.

10 **IT IS SO ORDERED.**

11 Dated: April 13, 2011


MAXINE M. CHESNEY
United States District Judge