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

GUSTAVE LINK,

Plaintiff,

v.

JERRY BROWN, et al.,

Defendants

No. C-09-1912 MMC

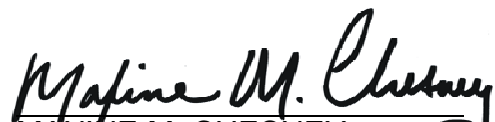
**ORDER DENYING PLAINTIFF'S MOTION  
FOR RECONSIDERATION**

By order filed June 18, 2009, the Court denied plaintiff's motion for disqualification, finding an affidavit submitted by plaintiff in support thereof to be insufficient as a matter of law. On June 29, 2009, plaintiff filed a "Motion for Reconsideration of Motion for Disqualification of U.S. District Judge Maxine M. Chesney for Personal Bias and Prejudice Against Gustave W. Link Under United States Code Title 28, Section 144 and 455 (a)(b)(1)," which motion is based on a "revised" affidavit. Having read and considered the motion for reconsideration, the Court hereby DENIES the motion.

First, the Court again finds no basis for recusal pursuant to § 455. Second, to the extent the motion for reconsideration is brought under § 144, it is procedurally deficient because "[a] party may file only one [ ] affidavit in any case." See 28 U.S.C. § 144; see, e.g., U.S. v. Balistreri, 779 F.2d 1191, 1200 (7th Cir. 1985) (holding party filing motion under § 144 may not "revise and augment" first "insufficient affidavit").

**IT IS SO ORDERED.**

Dated: July 6, 2009

  
MAXINE M. CHESNEY  
United States District Judge