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28United States District Court  
For the Northern District of CaliforniaIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUSTAVE LINK,

Plaintiff,

v.

JOHN C. DUNCAN, et al.,

Defendants

No. C-12-0726 MMC

**ORDER DENYING PLAINTIFF'S MOTION  
FOR DISQUALIFICATION; DENYING  
PLAINTIFF'S MOTION FOR CHANGE OF  
VENUE**

The Court is in receipt of plaintiff's "Motion for Disqualification," filed April 3, 2012, and plaintiff's "Motion for Change of Venue," filed April 3, 2012. Having read and considered the motions, the Court rules as follows.

By order filed March 26, 2012, the Court denied plaintiff's "Motion for Recusal," which motion had been filed pursuant to 28 U.S.C. § 144. The instant motion differs from said prior motion only in that the instant motion is filed pursuant to 28 U.S.C. § 455; the asserted grounds are the same. Irrespective of whether the determination is made pursuant to § 144 or § 455, no grounds for recusal or disqualification exist. See United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986) (holding "a judge's prior adverse ruling is not sufficient cause for recusal"); see also Link v. California, 385 Fed. Appx. 383, 385 (9th Cir. 2010), cert. denied, 131 S. Ct. 2100 (2011).

Accordingly, the Motion for Disqualification is hereby DENIED.

1 Plaintiff's motion for a change of venue is based entirely on plaintiff's unsupported  
2 assertion that grounds for disqualification exist. No such grounds exist, and, further, no  
3 cognizable basis for a change of venue exists.


4 Accordingly, the Motion for Change of Venue is hereby DENIED.

5 **IT IS SO ORDERED.**

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7 Dated: April 9, 2012

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MAXINE M. CHESNEY  
United States District Judge

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