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

RONALD PIERCE, et al.,

Plaintiffs,

v.

CALIF CHIEF JUSTICE CANTIL-  
SAKAUYE, et al.,

Defendants.

No. C 13-01295 JSW

**ORDER DENYING DEMAND RE  
LOCAL RULE 3-15**

**(Docket No. 38.)**

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On July 12, 2013, Plaintiffs filed a demand that this Court comply with Northern District Civil Local Rule 3-15 and refer their motions to disqualify to another judge for determination. Northern District Civil Local Rule 3-15 provides that “[w]henver an affidavit of bias or prejudice directed at a Judge of this Court is filed pursuant to 28 U.S.C. § 144, and the Judge has determined not to recuse him or herself and found that the affidavit is neither legally insufficient nor interposed for delay, the Judge shall refer the request for disqualification to the Clerk for random assignment to another Judge.”

Plaintiffs are correct that the Local Rule uses the term “shall.” However, Plaintiffs ignore the preceding clause which requires a finding that an affidavit is “neither legally insufficient nor interposed for delay.” Thus, referral is mandatory only when the Court determines not to recuse itself and a party’s affidavit *is* legally sufficient and is not interposed for delay.

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However, this Court has twice determined that Plaintiffs' affidavits are legally insufficient. For that reason, the Court DENIES Plaintiffs' most recent demand.

The parties shall appear on July 26, 2013 at 9:00 a.m. for the hearing on the pending motions.

**IT IS SO ORDERED.**

Dated: July 18, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE