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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WANXIA LIAO,

Plaintiff,

v.

JOHN ASHCROFT, et al.,

Defendants.

No. C 08-2776 PJH

**ORDER DENYING MOTION FOR
REASSIGNMENT OF CASE**

On March 30, 2009, plaintiff Wanxia Liao filed an affidavit in support of a request for disqualification of the undersigned judge, pursuant to 28 U.S.C. § 144. On April 16, 2009, the court filed an order denying several of plaintiff's recently-filed motions, including the request for disqualification. The court denied the § 144 request on the basis that the supporting affidavit was legally insufficient.

Plaintiff now seeks an order referring her § 144 request to the Clerk for random assignment to another judge. Plaintiff bases her request on her interpretation of Civil Local Rule 3-15. Local Rule 3-15 clearly states, however, that a request for disqualification shall be referred to the clerk for random assignment to another judge only when the assigned judge has "found that the affidavit is neither legally insufficient nor interposed for delay." Civil L.R. 3-15. Here, the court determined that the affidavit was legally insufficient. Accordingly, the motion is DENIED.

IT IS SO ORDERED.

Dated: May 4, 2009



PHYLLIS J. HAMILTON
United States District Judge