

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 LINDA ANN WRIGHT,

6 Plaintiff,

7 vs.

8 PETRA KUHFAI, BRIAN OGDEN CRAIG,
9 M.D., NANCY CRAIG, KIM S. ERVIN,
10 KUSUM STOKES, PATRICIA FITZGERALD,
11 SAINT JOSEPH HOSPITAL, and DANIEL
12 DEWSNUP, D.O., M.S.,

13 Defendants.

Case No: C 09-5752 SBA

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

Docket 14

14 Plaintiff pro se, Linda Ann Wright, has filed a "Motion of Recusal." (Docket 14.) Under
15 28 U.S.C. § 144, if "the judge before whom the matter is pending has a personal bias or prejudice
16 either against him or in favor of any adverse party, such judge shall proceed no further" Under
17 28 U.S.C. § 455(a), "[a]ny ... judge ... shall disqualify himself in any proceeding in which his
18 impartiality might reasonably be questioned." Under both recusal statutes, the salient question is
19 whether a reasonable person with knowledge of all the facts would conclude that the judge's
20 impartiality might reasonably be questioned. Pesnell v. Arsenault, 543 F.3d 1038, 1043 (9th Cir.
21 2008). Here, Plaintiff seeks this Court's recusal solely on the basis that certain of the Defendants
22 may be located the same building where this Court is located. Plaintiff has not presented a
23 cognizable basis for recusal under either section 144 or 455(a). Accordingly,

24 IT IS HEREBY ORDERED THAT Plaintiff's Motion of Recusal is DENIED. This Order
25 terminates Docket No. 14.

26 IT IS SO ORDERED.

27 Dated: 1/11/10

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 WRIGHT et al,
5
6 Plaintiff,

7 v.

8 KUHFAHL et al,
9
10 Defendant.

11 _____/

Case Number: CV09-05752 SBA

CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on January 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Linda Ann Wright
19 4579 Cummings Road
20 Eureka, CA 95503

Dated: January 12, 2010

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk