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28E-FILED on 9/15/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANTHONY M. RAMIREZ,
Petitioner,
v.
JAMES A. YATES, Warden, et. al.,
Respondents.

No. C-03-1817 RMW

ORDER DENYING MOTION FOR
RECUSAL AND FURTHER EXTENDING
TIME TO RESPOND

[Re Docket No. 86]

Petitioner moves for recusal, primarily based upon the fact that the court has ruled against him previously. This is not a proper basis for recusal. *See In re Beverly Hills Bancorp*, 752 F.2d 1334, 1341 (9th Cir. 1984) ("[u]nfavorable rulings alone are legally insufficient to require recusal"). The court therefore denies petitioner's motion for recusal.

In his affidavit accompanying the motion for recusal, petitioner complains about not receiving notice of orders of the court. Although the court is satisfied that the orders were served, the court notes that there is no proof of service docketed. Therefore, to avoid any possible prejudice to petitioner, the court hereby reserves the following orders: (1) its August 23, 2010 order granting respondent's motion to dismiss the petition as untimely, denying petitioner's motion for a hearing, denying petitioner's motion to appoint substitute counsel, and granting Badami's motion to

1 withdraw; (2) judgment issued on August 23, 2010; and (3) its August 30, 2010 order granting
2 petitioner's motion for extension of time and vacating its earlier dismissal of the petition and
3 judgment. The court also extends the time for petitioner to respond and file supplemental evidence
4 until November 12, 2010.

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6 DATED: 9/15/10


RONALD M. WHYTE
United States District Judge

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