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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ALFRED BANKS,	)	Civil No. 10cv1886 AJB (CAB)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S
v.	)	REQUEST FOR RECUSAL
	)	
ACS EDUCATION CORP., et al.,	)	[Doc. No. 293]
	)	
Defendants.	)	

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On July 18, 2012, Plaintiff Alfred Banks filed a motion requesting the recusal of Judge Anthony J. Battaglia from the above captioned case. [Doc. No. 293.] For the reasons set forth below, the Court DENIES Plaintiff’s request.


**Discussion**

The Plaintiff seeks Judge Battaglia’s recusal pursuant to 28 U.S.C. §§ 455 and 455(a). [Doc. No. 293.] The substantive standard under these sections is “whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality may reasonably be questioned.” *United States v. Hernandez*, 109 F.3d 1450, 1453–54 (9th Cir.1997) (per curiam) (quoting *U.S. v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986)). This standard is strictly construed and requires more than “unsubstantiated suggestion of personal bias or prejudice.” *United States v. Holland*, 519 F.3d 909, 913 (9th Cir.2008) (internal quotation omitted). Adverse “judicial rulings . . . and ordinary admonishments (whether or not legally supportable)” will not warrant recusal. *Liteky v. U.S.*, 510 U.S. 540, 555 (1994).

1 Here, Plaintiff's motion makes numerous charged accusations, but fails to substantiate any  
2 grounds for recusal. Indeed, stripped of hyperbole, Plaintiff's grievance amounts to plain dissatisfaction  
3 with this Court's rulings. For example, Plaintiff charges "ridicule [of] the Plaintiff's Reputation," [Doc.  
4 No. 293 at 4:11-12], alleging that Judge Battaglia stated during the June 7, 2011 hearing that "we trial to  
5 get rid of Pro Se cases as fast." [Id. at 5:10-11; 9:26-27; 10:11-13.] However, the Plaintiff fails to  
6 factually support this charge with anything revealing underlying bias or prejudice or by citation to the  
7 transcript from the June 7, 2011 hearing. Similarly, the Plaintiff also asserts that the Court's decision to  
8 dismiss certain Defendants with leave to amend was inappropriate, but proffers nothing suggesting bias  
9 or prejudice on the part of Judge Battaglia. [Doc. No. 293 at 8:25-9:3.] While Plaintiff certainly makes  
10 clear his dissatisfaction with several adverse rulings and admonishments from the Court, such dissatis-  
11 faction alone does not warrant recusal. *Liteky*, 510 U.S. at 555. Accordingly, Plaintiff's request for  
12 recusal is DENIED.

13 IT IS SO ORDERED.

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15 DATED: July 25, 2012

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18 Hon. Anthony J. Battaglia  
19 U.S. District Judge  
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