

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00968-REB-KLM

KATHLEEN CHYTKA,

Plaintiff,

v.

WRIGHT TREE SERVICE, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Master Judge Krieger the Court Magistrate Mix Has No Right to Strick Any Motions in This Case or Have the Pre Trial for This Case. The Master Judge Is the Only One That Is Allowed to Make a Decision on This Case. From When I Put in the Motion for Master Judge Krieger to Make the Decisions on This Case.** [sic] [Docket No. 306; Filed September 18, 2013]. For the following reasons,

IT IS HEREBY ORDERED that the Motion [#306] is **DENIED**.

First, the Motion does not comply with D.C.COLO.LCivR 7.1A. As Plaintiff has been told many times before See, e.g., [#36, #42, #45, #52, #67, #73, #85, #89, #148, #151, #170, #178, #184, #198, #202, #206, #219, #224, #233, #242], on this basis alone, the Motion is subject to being stricken.

Second, much of the content of the Motions is redundant and unintelligible, in violation of D.C.COLO.LCivR 7.1H. The Motions are also subject to being stricken on this basis alone.

Third, to the extent that Plaintiff seeks reconsideration of previous rulings by the court, she has failed to establish any of the bases for reconsideration as outlined to her by the District Judge on August 20, 2013. See Order [#267] at 2 (quoting *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)).

Fourth, to the extent that Plaintiff asks Chief Judge Krieger to consider this case

and/or overrule decisions made in this case by the assigned District Judge and Magistrate Judge, the District Judge has already ruled that Plaintiff has failed to establish any basis for reassignment of this case. See Order [#267] at 3. In the present Motions, Plaintiff has failed to provide any new reasons supporting reassignment of this matter. Plaintiff's suggestion that recusal is appropriate because she disagrees with prior rulings manifestly lacks merit. See, e.g., *Liteky v. United States*, 510 U.S. 540, 555 (1994) ("Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion [Further], judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge."); *Bixler v. Foster*, 596 F.3d 751, 762 (10th Cir. 2010) ("Adverse rulings alone do not demonstrate judicial bias."). Moreover, Chief Judge Krieger does not have authority to "overrule" decisions of Judge Blackburn. See also D.C.COLO.LCivR 40.1 (discussing assignment of cases to judges in the District of Colorado).

Dated: September 19, 2013