

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BETTY HEARN,

Plaintiff,

v.

Case No: 8:13-cv-827-T-30EAJ

INTERNATIONAL BUSINESS
MACHINES, MARGARET (PEGGY)
BUIS, DAVID ALLCOCK and RUSSELL
MANDEL,

Defendants.

ORDER

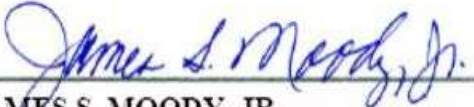
THIS CAUSE comes before the Court upon the Plaintiff's Motion for Reconsideration, Demand for Jury Trial and for Substitution (Dkt. #39). Upon review and consideration, it is the Court's conclusion that the Motion should be denied.

Plaintiff filed a Motion for New Trial, Altering or Amending Judgment (Dkt. # 33) which this Court construed as a motion for reconsideration of its Order dismissing Plaintiff's Second Amended Complaint with prejudice (Dkt. # 32). The Court denied Plaintiff's Motion noting that Plaintiff had not alleged a sufficient basis for reconsideration of its dismissal order. (Dkt. # #38). Plaintiff's current Motion states the same basis for reconsideration as Plaintiff's previous motion, and does not raise any new arguments for the Court to consider. Therefore, the Court will deny Plaintiff's Motion for Reconsideration.

Plaintiff also moves for the judge's recusal on the basis of "cognitive bias, such that these Judges have more respect for IBM's image and expensive lawyer than Hearn's basic rights." Hearn essentially argues that that this Court's adverse judicial rulings demonstrate a bias against her. Adverse rulings, however, do not constitute a basis for disqualification. *See Liteky v. United States*, 510 U.S. 540, 555-56 (1994) ("judicial rulings alone almost never constitute a valid basis for a bias or partiality motion."). The adverse rulings are proper grounds for appeal, not recusal. *Id.* Further, opinions held by judges as a result of what they learned in earlier proceedings do not constitute bias or prejudice. *Id.* at 551. Therefore, Hearn has not established a proper basis for disqualification.

It is therefore ORDERED AND ADJUDGED that Plaintiff's Motion for Reconsideration, Demand for Jury Trial and for Substitution (Dkt. #39) is DENIED.

DONE and **ORDERED** in Tampa, Florida, this 10th day of January, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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