

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|                   |   |                             |
|-------------------|---|-----------------------------|
| JIMMIE SMITH,     | ) |                             |
|                   | ) |                             |
| Plaintiff,        | ) |                             |
|                   | ) |                             |
| vs.               | ) |                             |
|                   | ) |                             |
| RICK HARRINGTON,  | ) | Case No. 13-cv-0900-MJR-SCW |
| BETSY SPILLER,    | ) |                             |
| COWAN,            | ) |                             |
| S.A. GODINEZ, and | ) |                             |
| TERRI ANDERSON,   | ) |                             |
|                   | ) |                             |
| Defendants.       | ) |                             |

**ORDER**

REAGAN, District Judge:

This § 1983 civil rights claim is before the Court on *pro se* Plaintiff Jimmie Smith’s motion “to remove” the undersigned from his case. Smith cites 28 U.S.C. § 144, which requires:

Whenever a party to any proceeding in a district court makes and files a sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice against him or in favor of any adverse party, such judge shall proceed no further therein ... The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists.

A court may only credit facts that are sufficiently definite and particular to convince a reasonable person that bias exists; simple conclusions, opinions, or rumors are insufficient. *Hoffman v. Caterpillar, Inc.*, 368 F.3d 709, 718 (7th Cir. 2004). The statute’s requirements are strictly construed to prevent abuse. *Id.* A motion like the instant one is generally considered a motion to disqualify—*actual bias* must be shown by allegations that include definite times, places, persons, and circumstances. *Id.*

Rather than include facts that show actual bias against him, Plaintiff simply posits that the undersigned’s denial of his motion for a preliminary injunction (in which he sought protective

custody status and/or a transfer) warrants disqualification from the case. It is well established that judicial rulings alone “almost never constitute valid basis for a bias or partiality motion.” *Marozsan v. U.S.*, 90 F.3d 1284, 1290 (7th Cir. 1996) (quoting *Liteky v. United States*, 510 U.S. 540, 554–56 (1994)). “Almost invariably,” judicial rulings “are the proper grounds for appeal, not for recusal.” *Liteky*, 510 U.S. at 555. Plaintiff has brought forth no facts, other than his disappointment at the undersigned ruling, to show actual bias. His motion (**Doc. 76**) is **DENIED**.

**IT IS SO ORDERED.**

**DATE: August 1, 2014**

*s/ Michael J. Reagan* \_\_\_\_\_

**MICHAEL J. REAGAN**

United States District Judge