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

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

ORDER DENYING SECOND MOTION TO DISQUALIFY

REAGAN, District Judge:

In July 2014, the undersigned adopted a Report and Recommendation from the magistrate judge, thereby denying *pro se* Plaintiff's motions for injunctive relief. (Plaintiff had sought a transfer away from Menard Correctional Center, or to protective custody). Plaintiff's motion was denied because he had not given prison officials a chance to review specific threats against him (in the wake of a basketball court beating) or requested protective custody since being assaulted, thereby lessening his likelihood to succeed on the merits of his deliberate indifference claim and subverting the notion that he needed a preliminary injunction to avoid irreparable harm. (See Doc. 73).

On July 31, Plaintiff filed a motion "to remove" the undersigned district

judge. That motion, which was based on Plaintiff's disappointment about the

outcome of his motions for preliminary injunction, was denied the next day. (Doc.

79). Now Plaintiff has renewed his request that the Court disqualify itself.

Plaintiff's motion offers no reason to consider disqualification. Plaintiff posits

that the Court is simply ignoring the fact he was beaten and has enemies inside the

prison. That is not the case: as clearly stated in the order denying Plaintiff

injunctive relief, he is not entitled to the dramatic remedy of a preliminary

injunction because he is unlikely to succeed at substantiating his *federal deliberate*

indifference claim, not at substantiating whether he was beaten or has known

enemies. This Court's application of the facts to controlling legal standard is part of

the overwhelming majority of judicial rulings that "are proper grounds for appeal,

not for recusal." Liteky v. United States, 510 U.S. 540, 555 (1994).

Plaintiff's motion (Doc. 80) is DENIED, and Plaintiff is warned: further

redundant motions¹ may necessitate the Court to exercise its inherent power to

ensure that "[f]rivolous, vexatious, and repeated filings by pro se litigants [do not]

interfere with the orderly administration of justice by diverting scarce judicial

resources..." U.S. ex rel. Verdone v. Circuit Court for Taylor Cnty., 73 F.3d 699,

671 (7th Cir. 1995).

IT IS SO ORDERED.

DATE: August 12, 2014

s/ Michael J. Reagan

MICHAEL J. REAGAN

United States District Judge

¹ The Court has also denied three motions concerning Plaintiff's court fees.

2