

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MATT BANKS (#116002)

VERSUS

CIVIL ACTION

N. BURL CAIN, ET AL

NUMBER 13-144-JJB-SCR

**RULING ON MOTION TO RECUSE**

Before the court is the plaintiff's Affidavit Motion to Recuse Magistrate Judge Riedlinger Under 28 U.S.C. Section 144 and 455 a(b)(1) [sic]. Record document number 55.<sup>1</sup>

Plaintiff seeks recusal of the undersigned due to a conflict of interest, prejudice, bias and "deep-seated favoritism or antagonism" (which is just another way of alleging bias). All of the actions the plaintiff complained about relate to rulings made in the case, or about actions the plaintiff wanted the court to take against the defendants.

Recusal for alleged bias or prejudice is not required because the bias or prejudice alleged "must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case." *United States v. Grinnell Corp.*, 384 U.S. 563, 583, 86 S.Ct. 1698,

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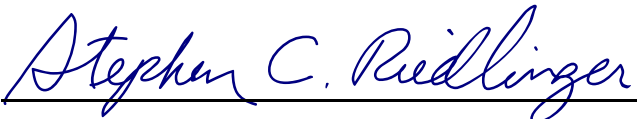
<sup>1</sup> Pursuant to the February 13, 2014, Ruling on Motion for Leave to Amend Complaint and Order Striking Attachments, record document number 53, the clerk of court received the plaintiff's motion but did not immediately file. It was reviewed and the clerk of court was directed to file it.

1710, 16 L.Ed.2d 778 (1966). Every ruling or order - except three - about which the plaintiff complained was a procedural ruling and which was clearly derived from the motion or matter before the court. None of these rulings were appealed to the district judge. The non-procedural rulings were all denials of the plaintiff's motions for appointment of counsel, none of which were appealed to the district judge.

Other than complaints about the rulings, the plaintiff has alleged no facts to support his conflict of interest allegation, or facts which show that the undersigned's impartiality might reasonably be questioned.

Accordingly, Affidavit Motion to Recuse Magistrate Judge Riedlinger Under 28 U.S.C. Section 144 and 455 a(b)(1) [sic] is denied.

Baton Rouge, Louisiana, March 6, 2014.

  
STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE