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DEF JTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

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BENJAMIN ADAMS, ET AL.

versus

CIVIL ACTION 10-1607  
JUDGE TOM STAGG

BP AMERICA PRODUCTION CO., ET AL.

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**MEMORANDUM ORDER**

Before the court is a motion for recusal filed pro se by one of the plaintiffs, Benjamin Adams (“Adams”). See Record Document 57. Adams requests that the undersigned recuse himself from this action pursuant to Title 28, United States Code, Section 455. Adams believes that “the Honorable Judge Stagg has made many adversed [sic] decision [sic] against the Plaintiffs in the above entitle [sic] action giving the defendants more time to answer . . . .” Id.

Motions to disqualify a judge from a pending matter are subject to the provisions of 28 U.S.C. §§ 144 and 455. Under these sections, a judge shall disqualify himself if he has a personal bias or prejudice either against the movant or in favor of any adverse party or if his impartiality might be reasonably questioned. See 28 U.S.C. §§ 144 and 455. The court is not required to transfer a motion to disqualify to another judge for decision. See Chitimahca Tribe of La. v. Harry L. Laws Co., 690 F.2d 1157, 1162 (5th Cir. 1982). “The challenged judge is most familiar with the alleged bias or conflict of interest. He is in the best position to protect the nonmoving parties from dilatory

tactics.” Id.

When considering a motion under section 455, courts must consider “whether a reasonable and objective person, knowing all of the facts, would *harbor doubts* concerning the judge’s impartiality.” Patterson v. Mobil Oil Corp., 335 F.3d 476, 484 (5th Cir. 2003) (emphasis in original). After due consideration of the record, relevant case law, and the contents of Adams’s motion, it is evident that no reasonable or objective person would harbor doubt concerning the impartiality of the undersigned. Adams’s motion presents no valid grounds for recusal or transfer. Accordingly;

**IT IS ORDERED** that Adams’s motion (Record Document 57) be **DENIED**.

**THUS DONE AND SIGNED** at Shreveport, Louisiana, this the 29<sup>th</sup> day of August, 2011.

  
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JUDGE TOM STAGG