UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AMADOU C. DIABATE,

Case No. 13-CV-0918 (PJS/JJK)

Plaintiff,

v.

ORDER

DELTA AIRLINE and TSA,

Defendants.

Amadou C. Diabate, pro se.

Ana H. Voss, UNITED STATES ATTORNEY'S OFFICE, for defendant TSA.

Plaintiff Amadou C. Diabate filed a complaint alleging, among other things, that defendants "TSA" and "Delta Airline" damaged his property and discriminated against him on the basis of race. In a Report and Recommendation ("R&R") dated December 3, 2013, Magistrate Judge Jeffrey J. Keyes recommended that each of Diabate's claims be dismissed. ECF No. 37. The Court overruled Diabate's objection to the R&R, adopted Judge Keyes's R&R, and dismissed Diabate's claims without prejudice. ECF No. 43.

Diabate now moves to "STAY, REINSTALL & Takes Judge Patrick J. Schiltz from my Case because of his BIAS." ECF No. 45 at 1 (sic throughout). That motion is denied for two reasons. First, judgment has already been entered in this case. If Diabate disagrees with the Court's dismissal of his claims, he should appeal that ruling to the Eighth Circuit, not request that the Court "reinstall" his complaint. Second, even if this case had not already been dismissed, the undersigned would not recuse. The only evidence of bias that Diabate cites is that the undersigned ruled against him. But "judicial rulings alone almost never constitute a valid

basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Every time a party makes a motion, the judge must rule in favor of one party and against the other; that does not mean that the judge is "biased" against the losing party.

Accordingly, Diabate's motion is denied.

<div align="center">ORDER</div>

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT the motion of plaintiff Amadou C. Diabate [ECF No. 45] is DENIED.

Dated: January 23, 2014   s/Patrick J. Schiltz
                                                     Patrick J. Schiltz
                                                     United States District Judge