



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IKEMEFUNA STEPHEN NWOYE,
Plaintiff,

- against -

BARACK HUSSEIN OBAMA,
MICHELLE LAVAUGHN ROBINSON OBAMA,
Defendants.

22-CV-1791 (VEC) (RWL)

ORDER

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ROBERT W. LEHRBURGER, United States Magistrate Judge.

On January 25, 2023, the Second Circuit, for reasons of due process, vacated the District Court’s order sua sponte dismissing Plaintiff’s Complaint against the former President of the United States and his wife for failure to state a claim. (Dkt. 20.) To remedy the due process issue, on January 27, 2023, the District Court issued an order to show cause directing Plaintiff to explain why his case should not be dismissed as frivolous or failure to state a claim. (Dkt. 21.) On February 3, 2023, Plaintiff filed his response to the order to show cause (Dkt. 25) as well as a motion for leave to file a second amended complaint (Dkt. 22). The matters have been referred to me. (Dkt. 5.)

On May 18, 2023, Plaintiff filed a letter motion (addressed to the Chief District Judge and the Chief Magistrate Judge of this District) requesting that the case be transferred to another judge or division within the Southern District because the Court had not yet issued a decision on the pending matters despite the passage of three months. (Dkt. 28.)

The Court appreciates Plaintiff's interest in prompt resolution of the pending matters and his case overall. It is hardly uncommon, however, for a motion to remain pending in excess of three months. *Shakhnes ex rel. Shakhnes v. Eggleston*, 740 F. Supp. 2d 602, 613 (S.D.N.Y. 2010) ("in the crowded federal courts, simply having a motion decided sometimes takes more than [180 days]"), *aff'd in part, rev'd in part on other grounds, Shakhnes v. Berlin*, 689 F.3d 244 (2d Cir. 2012). That is all the more so in this District due to the press of judicial matters that come before the courts in this District. Plaintiff nonetheless can be assured that his case is being given appropriate attention by the Court and that resolution of his pending matters will be rendered in due course.

In any event, the Court is not aware of any authority that would justify recusal or transfer in these circumstances. To the contrary, such applications are routinely denied. *See McFadden v. Annucci*, No. 16-CV-6105, 2022 WL 17126109, at *1 (W.D.N.Y. Nov. 22, 2022) (collecting cases and holding, "[t]hat McFadden is not satisfied with the speed with which decisions are issued does not entitle him to recusal").

Accordingly, Plaintiff's application at Dkt. 28 is DENIED.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: May 19, 2023
New York, New York

Copies transmitted this date to all counsel of record. The Clerk's Office is respectfully directed to mail a copy of this Order to Plaintiff pro se and note service on the docket.