IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

GILA ALTMAN and CARL ALTMAN	§	
	§	
VS.	§	MISCELLANEOUS NO. G-10-MC-3004
	§	**(Lead Case No. G-10-cv-487)**
JANET NAPOLITANO, Secretary of	§	
the Department of Homeland Security	§	

OPINION AND ORDER

After thoughtful and serious consideration, the Motion to Recuse will be denied. It is unfortunate Plaintiff's counsel feels as he does, but none of the grounds asserted stem from any extrajudicial source. Nor do they display the deep-seated and unequivocal antagonism rendering fair judgment impossible as required for disqualification. Liteky v. United States, 510 U.S. 540, 555 (1994); Andrade v. Chojnacki, 228 F.3d 448, 462 (5th Cir. 2003)

In summary, the prior findings and decisions were based upon evidence presented during the trials; the perceived threat of sanctions was prompted by information, even if erroneous, that counsel did not plan to personally attend the requested hearing; and the denial of a new expert, whose opinions merely bolstered the opinions of Plaintiff's designated expert, occurred after discovery had been completed and the long-pending cases were ready for disposition. As to counsel's July 11 letter, after reading the first sentence

I set it aside and chose not to complete it; I only read it in full after it was attached to the Motion.

It is hereby **ORDERED** that the Plaintiff's Motion to Recuse (Instrument no. 36) is **DENIED**.

It is further **ORDERED** that Plaintiff's Motion for Oral Argument (Instrument no. 37) on that Motion is **DENIED**.

DONE at Galveston, Texas, this 2nd day of July, 2015.

John R. Froeschner
United States Magistrate Judge