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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 In re: Kenyon K. Kelly,

9 Debtor.

CASE NO. C12-5446 BHS

10 ORDER DENYING MOTION
11 FOR RECONSIDERATION

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13 This matter comes before the Court on Appellant James J. O'Hagan's
14 ("O'Hagan") motion for reconsideration (Dkt. 40).

15 On March 20, 2013, the Court dismissed the appeal due to O'Hagan's repeated
16 failure to perfect the record and continued vexatious litigation tactics. Dkt. 38. On April
17 1, 2013, O'Hagan filed a motion for reconsideration. Dkt. 40.

18 Motions for reconsideration are governed by Local Rule CR 7(h), which provides
19 as follows:

20 Motions for reconsideration are disfavored. The court will ordinarily
21 deny such motions in the absence of a showing of manifest error in the
22 prior ruling or a showing of new facts or legal authority which could not
have been brought to its attention earlier with reasonable diligence.

1 Local Rule CR 7(h)(1).

2 In this case, O'Hagan fails to meet his burden. Instead, O'Hagan continues to
3 assert that he has been a victim of fraud and impartial court systems. This is neither a
4 showing of manifest error nor new facts or legal authority. Therefore, the Court
5 **DENIES** his motion.

6 In the motion, O'Hagan refers to an affidavit of prejudice against the undersigned,
7 which he alleges has been continually ignored. *See, e.g.*, Dkt. 40 at 2. The Court
8 assumes that O'Hagan is referring to his filing entitled "Notice of Refusal of Consent to
9 Allow any Western District Court Judge to Address Appeals of any of these Serial
10 Bankruptcy Fraud Cases." Dkt. 32. Unlike the Rules of Civil Procedure for Washington
11 State Superior Courts, Federal Rules of Civil Procedure do not provide for the automatic
12 removal of a trial judge through the filing by a party of an affidavit of prejudice. Instead,
13 a party seeking recusal must comply with Local Civil Rule 2(e). The document filed is
14 not a proper motion for recusal and, instead, is a notice that every judge that has
15 participated in the underlying bankruptcy, bankruptcy appeals, or related state court
16 actions were biased against O'Hagan. Therefore, the Court did not consider the filing as
17 a motion.

18 **IT IS SO ORDERED.**

19 Dated this 22nd day of April, 2013.

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21 **BENJAMIN H. SETTLE**
22 United States District Judge