

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*

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**MEMORANDUM OPINION**

No. 04-09-00657-CV

Sie Joe **LANN**,  
Appellant

v.

June **GEBERT**,  
Appellee

From the 81st Judicial District Court, La Salle County, Texas  
Trial Court No. 02-04-00028-CVL  
Honorable Fred Shannon, Judge Presiding<sup>1</sup>

Opinion by: Catherine Stone, Chief Justice


Sitting: Catherine Stone, Chief Justice  
Phylis J. Speedlin, Justice  
Marialyn Barnard, Justice

Delivered and Filed: April 14, 2010

**AFFIRMED**

Sie Joe Lann appeals from an order denying his motion to recuse Judge Donna Rayes from presiding over his suit against June Gebert. The order was signed by Judge Fred Shannon, and Lann alleges Judge Shannon abused his discretion in failing to remove Judge Rayes on the grounds of partiality and bias. Because the issues in this appeal involve the application of well-settled principles of law, we affirm the trial court's judgment in this memorandum opinion.

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<sup>1</sup>  Sitting by assignment.

In this case, the record is devoid of any evidence about the recusal issue. Lann's bare assertions that Judge Rayes was biased and lacked impartiality are insufficient to demonstrate an abuse of discretion by Judge Shannon. *See In re Robinson*, No. 12-00-00354-CV, 2002 WL 335281, \*6 (Tex. App.—Tyler 2002, no pet.) (not designated for publication) (noting, *inter alia*, trial court did not abuse its discretion by denying appellant's motion to recuse because appellant's general allegations of bias were not supported by the record). Because Lann's assertions are not supported by any facts in the record, we cannot conclude Judge Shannon abused his discretion by denying Lann's motion to recuse.

The judgment of the trial court is therefore affirmed.

Catherine Stone, Chief Justice