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U.S. District Court

District of Maine

### Notice of Electronic Filing

The following transaction was entered on 9/5/2017 at 4:55 PM EST and filed on 9/5/2017

**Case Name:** DOYLE v. WARREN et al

**Case Number:** 2:17-cv-00013-NT

**Filer:**

**Document Number:** 18(No document attached)

#### Docket Text:

ORDER denying [16] Motion for Recusal. The plaintiff suggests two reasons requiring my recusal: (1) my recusal from one of his previous cases, involving different defendants, facts, and allegations, and (2) his assertion that I lack even "a rudimentary knowledge of financial affairs[.]" 28 U.S.C. § 455, the statute governing the disqualification of judges, sets forth no corresponding grounds, and the plaintiff identifies none. See 28 U.S.C. § 455(b) (setting forth enumerated grounds for mandatory recusal). The plaintiff's suggestion that my recusal in an earlier case, with different defendants, facts, and allegations, compels a recusal here is mere conjecture. See *El Fenix de Puerto Rico v. M/Y JOHANNY*, 36 F.3d 136, at 140 (1st Cir. 1994) ("No permissible reading of subsection 455(a) would suggest that Congress intended to allow a litigant to compel disqualification simply on unfounded innuendo concerning the *possible* partiality of the presiding judge.") (emphasis in original). As to the claim of financial ignorance, while perhaps the basis for an appeal to the district judge, that too is not a basis for mandatory recusal. By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN)

2:17-cv-00013-NT Notice has been electronically mailed to:

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