

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Thomas v. Fry

No. 2:19-cv-01041 KJM CKD P, United States District Court for the Eastern District of California (March 6,
2023)

OPINION

(PC) Thomas v. Fry

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11] OTIS MICHAEL THOMAS, No. 2:19-cv-01041 KJM CKD P

12 Plaintiff,

13 Vv. ORDER

14 J.C. FRY, et al., 15 Defendants. 16 17 Plaintiff has filed a motion asking that the undersigned
recuse. Recusal is governed by 18 | 28 U.S.C. § 455. District judges are statutorily obligated to
recuse themselves if their 19 | “impartiality might reasonably be questioned” or if they “have a
personal bias or prejudice 20 | against a party.” United States v. \$292,888.04 in U.S. Currency, 54
F.3d 564, 566-57 (9th Cir. 21 | 1995). However, judges must recuse “only if the bias or prejudice
stems from an extrajudicial 22 || source and not from conduct or rulings made during the course of
the proceeding.” Pau v. 23 || Yosemite Park & Curry Co., 928 F.2d 880, 885 (9th Cir. 1991)
(internal quotation omitted). 24 | Here, plaintiff moves for recusal solely based on the court’s
decisions during this proceeding. 25 | Because plaintiff fails to identify any adequate basis for
recusal, and because there is no basis 26 || to reasonably question the undersigned’s impartiality,
plaintiffs motion is denied. 27 || DATED: March 6, 2023. 2 2 28

CHIEF ED STATES DISTRICT JUDGE