

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD MONROE, et al.,	:	CIVIL ACTION
Plaintiffs,	:	NO. 05-04937
	:	
v.	:	
	:	
JEFFREY A. BEARD, et al.,	:	
Defendants.	:	

**MEMORANDUM AND ORDER**

Stengel, J.

September 22, 2006

The Plaintiffs are fifteen prisoners at Pennsylvania’s State Correctional Institution of Graterford. Two of the Plaintiffs<sup>1</sup> filed motions for disqualification seeking to disqualify me from this case. A judge must disqualify himself “[w]here he has a personal bias or prejudice concerning a party.” 28 U.S.C. §455(b)(1) (2006). Motions for disqualifications under §455 must have an “extrajudicial source factor.”<sup>2</sup> Liteky v. United States, 510 U.S. 540, 554-555 (1994). Judicial rulings in the case almost never constitute a valid basis to grant a disqualification motion. Id. at 555. See also D’Amario v. Bailey, No. 06-1167, 2006 U.S. App. LEXIS 13558, at \*2-3 (3d Cir. May 31, 2006); Securacomm Consulting, Inc. v. Securacom, Inc., 224 F.3d 273, 278 (3d Cir. 2000); Jones v. Pittsburgh Nat’l Corp., 899 F.2d 1350, 1356 (3d Cir. 1990).

Plaintiffs Stover and Royster’s Motions will be denied because they do not satisfy

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<sup>1</sup>Only Plaintiffs Gregory Stover and Robert Royster filed and signed Motions for Disqualification.

<sup>2</sup>The extrajudicial source factor doctrine states that disqualification cannot be based on “judicial rulings, routine trial administration efforts, and ordinary admonishments...to counsel and witnesses....[that] occurred in the course of judicial proceedings.” Liteky v. United States, 510 U.S. 540, 556 (1994). Although these may be grounds for appeal, they are not proper grounds for recusal. Id. at 555.

the extrajudicial factor test. Plaintiffs both base their allegations of bias on the Court's rulings and actions in the case. The denial of a party's motion does not constitute "bias." Additionally, orders to stay the case while the Court made three unsuccessful attempts to appoint counsel to assist the *pro se* Plaintiffs does not constitute bias. In the interest of resolving this case, the Court facilitated a meaningful attempt to mediate the dispute through the efforts of Magistrate Judge Rueter. This case will proceed to timely adjudication as specified in Magistrate Judge Rueter's Scheduling Order (Document No. 61).

For the reasons described above, I will deny Plaintiffs Stover and Royster's Motion. An appropriate Order follows.

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Defendants.	:	

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of September, 2006, upon consideration of Plaintiff (Stover)'s Motion for Disqualification of Judge(s) (Document No. 55), Plaintiff (Royster)'s Response in Opposition to Defendant's Response in Opposition to Plaintiff Stover's Motion For Disqualification of Judges (Document No. 63), and Defendants' Response (Document No. 59), it is hereby **ORDERED** that Plaintiffs' motions are **DENIED**.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.