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3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5

6 In re:) Case No. 06-22225-D-7
7 BETSEY WARREN LEBBOS,)
8 Debtor.)
9 _____)
10 ACTING UNITED STATES TRUSTEE)
11 SARA L. KISTLER,) Adv. Pro. No. 08-2072-D
12 Plaintiff,) Docket Control No.:
13 v.) None given
14 BETSEY WARREN LEBBOS,)
15 Defendant.)
_____)

16 This memorandum decision is not approved for publication and may
17 not be cited except when relevant under the doctrine of law of
the case or the rules of claim preclusion or issue preclusion.

18 MEMORANDUM DECISION

19 On June 6, 2008, Betsey Warren Lebbos, the defendant in this
20 adversary proceeding, filed an Affidavit to Disqualify The
21 Honorable Robert Bardwil ("the Motion"), by which she seeks the
22 recusal of the undersigned as the judge in this adversary
23 proceeding. The defendant has previously sought the
24 disqualification of the undersigned in her parent bankruptcy case
25 and in another adversary proceeding, Schuetzte v. Lebbos, Adv. No.
26 07-2006. Her requests have been denied.

27 The court has reviewed the Motion and concludes that it is
28 grounded on the defendant's dissatisfaction with the court's

1 prior rulings in the parent case and in Schuette v. Lebbos. The
2 cases are uniform that a "judge's adverse rulings in the course
3 of a judicial proceeding almost never constitute a valid basis
4 for disqualification based on bias or partiality." 12 James Wm.
5 Moore, Moore's Fed. Practice § 63.21[4], at 63-39 (3d. ed. 2006)
6 (citing cases); see also Liteky v. United States, 510 U.S. 540,
7 554-55 (1994).

8 Further, the court remains persuaded, as it was on the
9 defendant's earlier requests for disqualification, that the court
10 is unbiased and impartial. The court also cannot find that "'a
11 reasonable person with knowledge of all of the facts would
12 conclude that the judge's impartiality might reasonably be
13 questioned'." See In re Georgetown Park Apts., Ltd., 143 B.R.
14 557, 559 (B.A.P. 9th Cir. 1992), quoting United States v. Nelson,
15 718 F.2d 315, 321 (9th Cir. 1983) (other citations omitted).

16 For the reasons stated, the court finds that the defendant
17 has not met her burden under 28 U.S.C. § 455(a) of overcoming the
18 presumption of impartiality and demonstrating that the
19 impartiality of the undersigned might reasonably be questioned.
20 Nor has she demonstrated grounds for disqualification under 28
21 U.S.C. § 455(b). For these reasons, the Motion will be denied.

22 The court will issue an order consistent with this
23 memorandum.

24 Dated: June __, 2008

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26 ROBERT S. BARDWIL
27 United States Bankruptcy Judge
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