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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re:	)	Case No. 06-22225-D-7
	)	
BETSEY WARREN LEBBOS,	)	
	)	
Debtor.	)	
	)	
	)	
LINDA SCHUETTE,	)	
	)	
Plaintiff,	)	Adv. Pro. No. 07-2006-D
	)	
v.	)	Docket Control No. MPD-7
	)	
BETSEY WARREN LEBBOS,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

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

## MEMORANDUM DECISION

On March 26, 2008, Betsey Lebbos, a defendant in this adversary proceeding ("Defendant"), filed a document entitled "Betsey Lebbos' Declaration in Opposition to Default Judgement and Request for Recusal of Judge Bardwil" ("the Request"), by which she seeks the recusal of the undersigned as the judge in this adversary proceeding. Defendant has previously sought the disqualification of the undersigned in this adversary proceeding and in her parent bankruptcy case. Her requests have been denied.

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1       The court has reviewed the Request and concludes that it is  
2 grounded on the Defendant's dissatisfaction with the court's  
3 prior rulings in the action and the bankruptcy case. The cases  
4 are uniform that a "judge's adverse rulings in the course of a  
5 judicial proceeding almost never constitute a valid basis for  
6 disqualification based on bias or partiality." 12 James Wm.  
7 Moore, Moore's Fed. Practice § 63.21[4], at 63-39 (3d. ed. 2006)  
8 (citing cases); see also Liteky v. United States, 510 U.S. 540,  
9 554-55 (1994).

10       Further, the court remains persuaded, as it was on the  
11 Defendant's earlier requests for disqualification, that the court  
12 is unbiased and impartial. The court also cannot find that "'a  
13 reasonable person with knowledge of all of the facts would  
14 conclude that the judge's impartiality might reasonably be  
15 questioned'." See In re Georgetown Park Apts., Ltd., 143 B.R.  
16 557, 559 (B.A.P. 9th Cir. 1992), quoting United States v. Nelson,  
17 718 F.2d 315, 321 (9th Cir. 1983) (other citations omitted).

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

24       The court will address that portion of the Request in which  
25 the Defendant opposes the Plaintiff's application for default  
26 judgment at the appropriate time.

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1       The court will issue an order consistent with this  
2 memorandum.

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4 Dated: March 28, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT S. BARDWIL  
United States Bankruptcy Judge

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