UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER G. VALENCIA,

Plaintiff,

v.

MEDINA, et al.,

Defendants.

No. 1:22-cv-00569-JLT-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY MAGISTRATE JUDGE GARY S. AUSTIN

(ECF No. 27)

Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion to disqualify Magistrate Judge Gary S. Austin, filed October 10, 2025. (ECF No. 27.)

As an initial matter, Plaintiff's motion is moot as this case was reassigned to Magistrate Judge Stanley A. Boone on October 2, 2025, due to equitable and economical determination of court business. (ECF No. 26.) Nonetheless, Plaintiff's motion must be denied on the merits.

Plaintiff's seeks disqualification under 28 U.S.C. § 455(a), (b)(1). Under 28 U.S.C. § 455, a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned," including under circumstances where "he has a personal bias or prejudice concerning a party." 28 U.S.C. § 455(a), (b)(1)).

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In this instance, Plaintiff has failed to offer a sufficient affidavit specifically alleging facts to support the contention that Magistrate Judge Austin was bias or prejudiced towards him or his case. Plaintiff has not supported his motion with any evidence that the Magistrate Judge had a personal bias against Plaintiff from an extra-judicial source. A judge's rulings while presiding over a case do not constitute extra-judicial conduct. Focus Media, Inc. v. NBC, 378 F.3d 916, 930 (9th Cir. 2004). Plaintiff's motion is based solely on his disagreement with the court's rulings which is not a legitimate ground for seeking disqualification of a judge.

Accordingly, Plaintiff's motion for disqualification of Magistrate Judge Gary A. Austin is DENIED for the reasons stated.

IT IS SO ORDERED.

Dated: **October 16, 2025**

STANLEY A. BOONE
United States Magistrate Judge