

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**DARIAN TOWNES,**

**Plaintiff,**

**v.**

**Warden HEATHER DAVIS, *et al.*,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:

**CASE NO:**

**7:24-cv-36—WLS-ALS**

**ORDER**

Before the Court is Plaintiff's Objection and Recusal (Doc. 35) filed July 2, 2025. Therein, Plaintiff seeks to "remove and recuse" the undersigned from this case "due to his recommendation filed as magistrate judge in this case. The plaintiff fears that [the undersigned] is not able to make a fair balanced decision after recommending to dismiss this case in the past." (Doc. 35 at 1). Plaintiff's Objection and Recusal is treated herein as a motion to recuse.

The Court first notes that Plaintiff has erroneously identified the undersigned as the United States Magistrate Judge who made the recommendation that Plaintiff's claims be dismissed with prejudice. United States Magistrate Judge Thomas Q. Langstaff was the Judge who filed such recommendation (Doc. 25). This is clearly stated in the Order (Doc. 33) accepting and adopting Judge Langstaff's Order and Recommendation, and the Order and Recommendation clearly reflects Judge Langstaff's signature. (Doc. 25 at 18). The undersigned was the District Court Judge responsible for reviewing and determining whether the Order and Recommendation should be accepted, rejected, or modified. 28 U.S.C. § 636(b)(1). Prior to reviewing Judge Langstaff's recommendation, this Court had not made a determination as to whether Plaintiff's Complaint in this case should be dismissed nor considered the bases on which the Complaint should be dismissed.

Further, the undersigned notifies the Plaintiff that the attachment to his Objection and Recusal requesting that United States Magistrate Judge Alfreda L. Sheppard review Plaintiff's Complaint is inappropriate. (Doc. 35-1). Plaintiff's complaint that he was not notified or given an opportunity to object to the undersigned's appointment to preside over his case is irrelevant. Parties are not entitled to select the judge who presides over their case. The Court

finds that Plaintiff has not stated any basis, and the undersigned upon review finds no basis, upon which the undersigned should recuse himself. *See* 28 U.S.C. §§ 144, 455.

Accordingly, Plaintiff's Objection and Recusal (Doc. 35) requesting the undersigned be recused, or that he recuse himself, from this case is **DENIED**.

**SO ORDERED**, this 7th day of July 2025.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE  
UNITED STATES DISTRICT COURT**