

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF KANSAS

MARJORIE A. CREAMER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ESIS CLAIMS UNIT and ANNETTE )  
RIGDON, )  
 )  
Defendants. )

Case No. 11-4110-WEB

Memorandum and Order

Marjorie Creamer filed a Motion for a New Judge (Doc. 9). “To demonstrate a violation of due process because of judicial bias, a claimant must show either actual bias or an appearance of bias.” United States v. Nickl, 427 F.3d 1286, 1298 (10<sup>th</sup> Cir. 2005), citing Phelps v. Hamilton, 122 F.3d 1309, 1323 (10<sup>th</sup> Cir. 1997). Creamer alleges Judge Brown is biased because he dismissed Case No. 11-4066-WEB. As discussed in Nickl, adverse rulings are not grounds for a claim of judicial bias. Id. Creamer has not shown actual or an appearance of bias, nor has she alleged facts which would cause the impartiality of this Court to be questioned.

IT IS THEREFORE ORDERED the Motion for a New Judge (Doc. 9) be dismissed.

IT IS SO ORDERED this 2<sup>nd</sup> day of December, 2011.



Wesley E. Brown  
United States Judge