

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARCIA L. JACKSON,

Plaintiff,

v.

**KANSAS CITY KANSAS PUBLIC
SCHOOLS, UNIFIED SCHOOL
DISTRICT NO. 500,**

Defendant.

Case No. 18-2046-DDC-TJJ

MEMORANDUM AND ORDER

Plaintiff has filed a Motion for Recusal under 28 U.S.C. § 455. Doc. 39. Under § 455, a judge must disqualify himself “in any proceeding in which his impartiality might reasonably be questioned,” or “[w]here he has a personal bias or prejudice concerning a party” 28 U.S.C. § 455(a) & (b)(1). The test for determining impartiality is an objective one, based on a judge’s “outward manifestations and reasonable inferences drawn therefrom.” *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995) (citation omitted).

Here, plaintiff asks the court to remove Judge James—the magistrate assigned to this case. Plaintiff argues that Judge James has shown bias towards her because she has granted several motions filed by defendant and denied several motions plaintiff filed. Plaintiff offers no other grounds to support removing Judge James from the case. Adverse rulings are no reason for recusal. *See Green v. Branson*, 108 F.3d 1296, 1305 (10th Cir. 1997) (stating that “adverse rulings ‘cannot in themselves form the appropriate grounds for disqualification’” (quoting *Green*

v. Dorrell, 969 F.2d 915, 919 (10th Cir. 1992))). So, plaintiff fails to establish any grounds to remove Judge James from this case.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiff's Motion for Recusal (Doc. 39) is denied.

IT IS SO ORDERED.

Dated this 12th day of June, 2018, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge