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

Arlena Minerva Willes,
Petitioner,
vs.
Arizona Department of Child Safety, *et al.*,
Respondents.

No. CV 19-00068-PHX-JJT (JFM)

ORDER

On January 7, 2019, Arlena Minerva Willes filed a pro se Petition for Writ of Habeas Corpus on behalf of her child, JDZ, and paid the filing fee. In an April 4, 2019 Order, the Court dismissed this case for lack of jurisdiction. Judgment was entered on the same date. On April 9, 2019, Petitioner filed a Notice of Appeal.

Pending before the Court are Petitioner’s Motion to Supplement Petition for Writ of Habeas Corpus (Doc. 13) and Motion for Reconsideration/Motion for Recusal/Motion for Preliminary Injunction (Doc. 16).

Petitioner seeks recusal of the undersigned from this case because she believes dismissal of this action was in error. A motion to recuse a judge, whether it is based on 28 U.S.C. § 455(a), 28 U.S.C. § 455(b)(1), or 28 U.S.C. § 144, must demonstrate that any alleged bias or impartiality stems from extrajudicial conduct, *i.e.*, a litigant may not seek recusal based on a prior adverse ruling in the case. *See Hasbrouck v. Texaco, Inc.*, 830 F.2d 1513 (9th Cir. 1987) (citing *In re Beverly Hills Bancorp*, 752 F.2d 1334, 1341 (9th Cir.

1 1984)) (28 U.S.C. § 455(a) & (b)(1)); *United States v. Studley*, 783 F.2d 934, 939 (9th Cir.
2 1986) (same); *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) (28 U.S.C. § 144).
3 Petitioner has not demonstrated or even suggested any extrajudicial bias; Petitioner’s
4 allegations are all based on prior adverse rulings. Accordingly, the Court will deny the
5 request for recusal.

6 Petitioner also seeks reconsideration of dismissal of this case and an injunction.
7 Motions for reconsideration should be granted only in rare circumstances. *Defenders of*
8 *Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). A motion for reconsideration
9 is appropriate where the district court “(1) is presented with newly discovered evidence,
10 (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an
11 intervening change in controlling law.” *School Dist. No. 1J, Multnomah County v. ACandS,*
12 *Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Such motions should not be used for the purpose
13 of asking a court ““to rethink what the court had already thought through – rightly or
14 wrongly.”” *Defenders of Wildlife*, 909 F. Supp. at 1351 (*quoting Above the Belt, Inc. v. Mel*
15 *Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). A motion for reconsideration
16 “may not be used to raise arguments or present evidence for the first time when they could
17 reasonably have been raised earlier in the litigation.” *Kona Enters., Inc. v. Estate of Bishop,*
18 *229 F.3d 877, 890 (9th Cir. 2000)*. Nor may a motion for reconsideration repeat any
19 argument previously made in support of or in opposition to a motion. *Motorola, Inc. v. J.B.*
20 *Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003). Mere disagreement
21 with a previous order is an insufficient basis for reconsideration. *See Leong v. Hilton Hotels*
22 *Corp.*, 689 F. Supp. 1572, 1573 (D. Haw. 1988).

23 The Court has reviewed Petitioner’s original filings, the Order of dismissal, and
24 Petitioner’s Motion for Reconsideration. The Court finds no basis to reconsider its
25 decision. Thus, the Court will deny Plaintiff’s Motion for Reconsideration.

26 The Court will deny as moot Petitioner’s request for an injunction and Motion to
27 Supplement.

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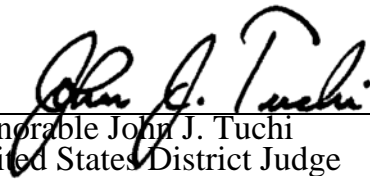
IT IS ORDERED:

(1) Petitioner's April 9, 2019 Motion for Recusal/Motion for Reconsideration/Motion for Preliminary Injunction (Doc. 16) is **denied**.

(2) Petitioner's Motion to Supplement (Doc. 13) is **denied** as moot.

(3) The Clerk of Court must send a copy this Order to the Ninth Circuit Court of Appeals.

Dated this 24th day of June, 2019.



Honorable John J. Tuchi
United States District Judge