

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ALAN KREILEIN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-cv-03357-JPH-MPB
)	
GWENDOLYN HORTH, <i>et al.</i>)	
)	
Defendants.)	

ORDER DENYING MOTION TO CHANGE JUDGE

In his motion to change judge, plaintiff Alan Kreilein asks for another judge in this Court to consider his motion to reconsider. That motion is understood to be a motion to recuse.

28 U.S.C. § 455 requires a federal judge to recuse himself in two situations. Pursuant to § 455(a), a judge must disqualify himself “in any proceeding in which his impartiality might reasonably be questioned.” “The standard in any case for a § 455(a) recusal is whether the judge’s impartiality could be questioned by a reasonable, well-informed observer.” *In re Hatcher*, 150 F.3d 631, 637 (7th Cir. 1998). In *Hook v. McDade*, 89 F.3d 350, 354 (7th Cir. 1996), the court stated that § 455(a) “asks whether a reasonable person perceives a significant risk that the judge will resolve the case on a basis other than the merits. This is an objective inquiry.”

Pursuant to § 455(b)(1), a judge must recuse himself if he “has a personal bias or prejudice concerning a party.” To disqualify a judge under this provision, the party must prove bias “by compelling evidence” and “[t]he bias or prejudice must be grounded in some personal animus or malice that the judge harbors . . . of a kind that a fair-minded person could not entirely set aside when judging certain persons or causes.” *Grove Fresh Distribs., Inc. v. John Labatt, Ltd.*, 299 F.3d 635, 640 (7th Cir. 2002) (internal quotation marks omitted).

Mr. Kreilein's motion satisfies none of these requirements. Accordingly, the motion to change judge, dkt. [150], is **DENIED**. The Court will consider Mr. Kreilein's motion to reconsider separately.

SO ORDERED.

Date: 7/20/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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