

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of August, two thousand seventeen.

Before: Barrington D. Parker,
 Reena Raggi,
 Susan L. Carney,
 Circuit Judges.

Kacey Lewis,

Plaintiff - Appellant,

v.

Thomas Cavanugh, James Dickey, Robert Liquindoli,

Defendants - Appellees.

ORDER

Docket No. 15-3238

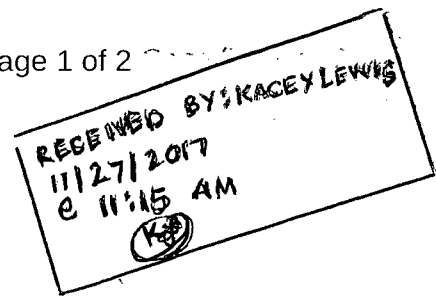
Appellant, *pro se*, moves the Court to enter an order directing the district court to re-assign the case to another judge. Appellees oppose the motion.

IT IS HEREBY ORDERED that the motion is DENIED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

The block contains a handwritten signature, "Catherine O'Hagan Wolfe", written in cursive. The signature is written over a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the words "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS" around its perimeter.



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KACEY LEWIS,
Plaintiff,

v.

CITY OF WATERBURY, ET. AL.
Defendants.

CIVIL ACTION NO.
3:10-cv-00112 (VLB)

November 21, 2017

RULING DENYING MOTION TO RECUSE JUDGE [Dkt. 280]

Before this Court is Plaintiff's Motion to Recuse Judge. [Dkt. 280]. For the following reasons, this motion is DENIED.

Plaintiff asserts the Court must recuse itself. In support, Plaintiff cites Connecticut General Statute 51-183c, which states:

No judge of any court who tried a case without a jury in which a new trial is granted, or in which the judgment is reversed by the Supreme Court, may again try the case. No judge of any court who presided over any jury trial, either in a civil or criminal case, in which a new trial is granted, may again preside at the trial of the case.

Plaintiff's argument fails for two reasons. First, Connecticut procedural statutes do not apply in this federal court proceeding. See *Hanna v. Plumer*, 380 U.S. 460 (1965) (holding that federal courts are to apply federal procedural law). Second, Plaintiff has not established any legal or factual basis warranting recusal. Prior to the filing of this motion, Plaintiff requested that the Second Circuit reassign the case to a different Judge on remand, upon which the Second Circuit denied his claim. See *Lewis v. Cavanugh*, Case No. 15-3238, (hereinafter *Lewis II*), Dkt. 190 (Mot. Reassignment of District Judge). Plaintiff cited *Mackler Prods., Inc. v. Cohen*, 225 F.3d 136, 146-47 (2d Cir. 2000) for the proposition that, in unusual

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U.S. District Court

United States District Court for the District of Connecticut

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ORDER denying [295] Motion for Reconsideration. Although Plaintiff correctly cites 28 U.S.C. § 455, he fails to cite any facts in support of his claim that the Court is incapable of impartiality. Therefore, reconsideration is not warranted. Signed by Judge Vanessa L. Bryant on 12/12/2017. (Lee, E.)

3:10-cv-00112-VLB Notice has been electronically mailed to:

Joseph A. Mengacci jmengacci@waterburyct.org, ckyale@waterburyct.org, jthomas@waterburyct.org, mmcbride@waterburyct.org

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"APPENDIX C"