

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ANTHONY TORRES :
 :
 v. : PRISONER
 : Case No. 3:01CV2072 (DJS) (TPS)
 :
 LARRY J. MYERS :

RULING ON PENDING MOTIONS

Petitioner has filed a motion for recusal. For the reasons set forth below, the motion is denied.

A judge must recuse himself "in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The test employed to determine whether recusal is required is an objective one. See In re Drexel Burnham Lambert Inc., 861 F.2d 1307, 1313 (2d Cir. 1988), cert. denied, 490 U.S. 1102 (1989). The judge must recuse himself if circumstances exist which constitute an objectively reasonable basis upon which to question the judge's impartiality, i.e., if circumstances show "a deep-seated favoritism or antagonism that would make fair judgment almost impossible." Liteky v. United States, 510 U.S. 540, 555 (1994). "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion" and "can only in the rarest circumstances evidence the degree of favoritism or antagonism required." Id.

In this case, petitioner seeks recusal because the

undersigned has failed to timely process this petition for writ of habeas corpus. The petitioner's claim that the court has delayed the progress of this case is an insufficient reason to support the undersigned's recusal from this case. Because the petitioner has not identified any factors that demonstrate that the undersigned is not impartial in this case, the petitioner's request for recusal [doc. # 22] is DENIED.

SO ORDERED this 28th day of September, 2004, at Hartford, Connecticut.

/s/DJS

Dominic J. Squatrito
United States District Judge