

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CAROL MURPHY,)
)
 Plaintiff,)
)
 v.) 1:12-cv-00101-JAW
)
 CORIZON, et al.,)
)
 Defendants.)

ORDER DENYING MOTION TO RECUSE

On March 23, 2012, Carol Murphy filed a lawsuit in the District of Tennessee against a set of eleven Defendants, alleging that the Maine Department of Corrections, its employees and contractors have violated her civil rights. *Compl.* (Docket # 2). The District Court of Tennessee transferred the case to the District of Maine on March 28, 2012. *Transfer Order* (Docket # 4). On April 30, 2012, Ms. Murphy moved to recuse this Judge, claiming that recusal is mandatory under 28 U.S.C. § 455(a) and (b)(1). *Pl.’s Mot. for Removal of Judge Woodcock and Magistrate Judge Kravchuk* at 1 (Docket # 11). She notes that in the past she sued this Judge, alleging that I violated her civil rights, and she asserts that I have demonstrated “a lack of impartiality & personal bias concerning Plaintiff.” *Id.* at 1-2. She insists on her “Constitutional right to have an impartial judge oversee this case which is to be a bench trial.” *Id.* at 2. She says that “[s]hould no impartial judge be located in the U.S. District Court in Maine,” the case should “be sent to US District Court [in] Tennessee.” *Id.*

Ms. Murphy is correct that she is not a stranger to this Court. In 2006 through 2008, she filed seven cases in this District and two in the United States Court of Claims; the history of Ms. Murphy's litigation can be found in *In re Murphy*, 598 F. Supp. 2d 121, 121 (D. Me. 2009). In her past lawsuits, whenever a judge ruled against her on any matter, great or small, she sued the judge making wild and occasionally insulting allegations and, in an excess of caution, each impleaded judge then recused himself or herself. *Id.* at 122-23. After withstanding years of this type of conduct on the part of Ms. Murphy, I concluded that her "particular obsession seems to be her irresolvable dispute with the state of Maine and its entities about her possession of animals" and I issued an order, forbidding her from filing lawsuits in the District of Maine "concerning animals." *Id.* at 125-26.

She returns with a new lawsuit, this time not about animals, but using the same tactic: demanding judicial recusal for supposed lack of impartiality. As I have never met Ms. Murphy and do not know her other than through her lawsuits, the only conceivable basis for any bias would be through her prior and current filings. However, as I explained on February 11, 2009, the filing of a lawsuit against a judge is not generally grounds for recusal. *Id.* at 124 (citing *Tamburro v. City of East Providence*, Nos. 92-1321, 92-1322, 92-1323, 92-1324, 1992 U.S. App. LEXIS 32825, at *3-4 (1st Cir. Dec. 18, 1992)). Otherwise, a disgruntled litigant could force recusals to punish judges who rule against her, and the law has therefore adopted a rule that prevents litigants from this type of judge-shopping. *See United States v.*

Pulido, 566 F.3d 52, 62-3 (1st Cir. 2009) (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)). Furthermore, a judge's familiarity with a litigant from a prior or current action is not commonly grounds for recusal. *Id.*

Ms. Murphy has not demonstrated any extrajudicial source or other proper basis for her demand that I recuse and I reject her motion that I do so.

As to Judge Woodcock alone, the Court DENIES Carol Murphy's Motion for Removal of Judge Woodcock and Magistrate Judge Kravchuk (Docket # 11).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 2nd day of May, 2012

Plaintiff

CAROL MURPHY

represented by **CAROL MURPHY**
MAINE CORRECTIONAL
CENTER
17 MALLISON FALLS RD
WINDHAM, ME 04082
PRO SE

V.

Defendant

CORIZON

Defendant

RICH HALLWORTH

Defendant

KEN TOPEL

Defendant

HOPE LEBLANC

Defendant

PRAVEEN PAVULURU

Defendant

LARRY RUDZINSKY

Defendant

JOSEPH PONT

Defendant

SCOTT BURNHEIMER

Defendant

**MAINE DEPARTMENT OF
CORRECTIONS**

Defendant

DR STOCKWELL

Defendant

DR SUNDERLAND
TERMINATED: 04/24/2012

V.

Notice Only Party

**MAINE ATTORNEY GENERAL -
PRISONER CASES**