

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

<b>MICHAEL L. BUESGENS,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION</b>
	)	
<b>v.</b>	)	<b>No. 07-2116-CM</b>
	)	
<b>DOUGLAS G. HOUSER et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**MEMORANDUM AND ORDER**

Plaintiff filed this case on March 16, 2007. The case was originally assigned to Judge Julie A. Robinson. On July 16, 2007, Judge Robinson recused herself from this matter, and the matter was randomly reassigned to the undersigned judge. (Minute Order of Recusal and Reassignment (Doc. 12)). Judge Robinson did not set forth the reasons for her recusal in the order. On July 20, 2007, plaintiff filed a Motion for Clarification (Doc. 15). On July 23, 2007, plaintiff filed a Motion for Order (Doc. 14). On August 9, 2007, plaintiff filed an interlocutory appeal of the order of recusal. The Tenth Circuit Court of Appeals dismissed the appeal as premature because the recusal order is not final or immediately appealable. The matter is currently before the court on plaintiff’s Motion for Clarification and Motion for Order.

Plaintiff’s motions seek the same relief. Plaintiff requests that the court provide “a full accounting of Judge Julie A. Robinson[’s] recusal and all the circumstances that produced this recusal and the reassignment of this case to Judge Carlos Murguia—Kansas City, Kansas.” (Pl.’s Mot. for Order at 9.) This court cannot clarify Judge Robinson’s reasons for recusing because it does not know the circumstances of her recusal. And, in any event, no party has the right to a

specific judge. The undersigned judge was randomly assigned to this matter, and plaintiff cannot request a particular judge.

Additionally, the decision to recuse was within Judge Robinson's discretion, and this court cannot review her decision or require her to disclose the circumstances of her recusal. *U.S. v. Cooper*, 283 F. Supp. 2d 1215, 1223 (D. Kan. 2003) ("The decision to recuse is within the sound discretion of the district court judge."). That issue is for the appellate court and is not ripe for review. As the Tenth Circuit set forth in its opinion dismissing plaintiff's interlocutory appeal, plaintiff may appeal the Minute Order of recusal upon entry of final judgment.

Plaintiff also alleges that the other parties and their attorneys know the reason for Judge Robinson's recusal. There is no evidence that any of the parties are aware of the circumstances of Judge Robinson's recusal. All of the parties received the same order of recusal. Nothing in the record suggests that the other parties or their attorneys have more information than plaintiff.

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Clarification (Doc. 15) and Motion for Order (Doc. 14) are denied. Plaintiff may appeal the court's decision at the appropriate time.

Dated this 19th day of September 2007, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**