

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CARL R. POWER,)
)
Plaintiff,)
) C.A. No. 02-187-GMS
v.)
)
ATTORNEY GENERAL)
M. JANE BRADY,)
)
Defendant.)

ORDER

I. INTRODUCTION

Carl Power (“Power”) filed this *pro se* action on March 13, 2002. This is the fourth case that he has filed with the court to challenge events surrounding the denial of his unemployment benefits. In this complaint, Power orders Attorney General M. Jane Brady (“Brady”) to have William Gordon (“Gordon”) and Roxanna Arsht (“Arsht”) sign some documents he has prepared.¹ Powers asserts that these papers rectify lies that Gordon and Arsht have perpetrated against him.

Presently pending before the court is Power’s letter request for the court to recuse itself and Brady’s motion to dismiss. For the reasons that follow, the court will deny Power’s request and will grant Brady’s motion to dismiss.

II. DISCUSSION

A. Recusal

Power asks the court to recuse itself from the present case because of the court’s involvement

¹While Gordon and Arsht are not named defendants in the present action, they are the named defendants in an action presently pending before the Honorable Joseph F. Farnan, Jr. *See Power v. Gordon et al.*, C.A. No. 01-689-JJF.

in his prior unsuccessful cases. He further argues that when the presiding judge was the United States Attorney for the District of Delaware, he ignored Power's requests to speak with him on the present issue. The court will deny Power's request.

Federal judges are not required to recuse themselves from matters simply because they presided over an earlier matter involving the same party. *See United States v. Liteky*, 973 F.2d 910, 910 (11th Cir. 1992). Nor are federal judges required to recuse themselves simply because they made a ruling which a party dislikes. *See Jaffree v. Wallace*, 837 F.2d 1461, 1465 (11th Cir. 1988) (stating that a party must show more than a disagreement with the judge's judicial philosophy).

Notably, neither of Power's bases for his request warrant the court's recusal because he has failed to demonstrate any personal, extra-judicial bias against him. *See id.* Consequently, Power's motion to recuse will be denied.

B. Motion to Dismiss

Although Power has failed to articulate any theory of liability in the present case, the court will assume that he has brought this case pursuant to 42 U.S.C. § 1983. It is clear that Section 1983 requires "personal involvement" in the alleged wrongs before a defendant may be held liable. *See Robinson v. City of Pittsburgh*, 120 F.3d 1286, 1294 (3d Cir. 1997). The personal involvement requirement encompasses allegations of actual knowledge and acquiescence. *See Coleman v. Kaye*, 87 F.3d 1491, 1508 (3d Cir. 1996).

Applying this requirement to the present case, the court concludes that Power's complaint must fail as a matter of law. In his complaint, Power purports to have issued Brady a "subpoena" which commands her to "have William Gordon and Roxanna Arsht sign and notarize those documents attached to the subpoena and have it stamped by family court . . . [s]end me, Carl Power,

the original and a copy to the United States District Court.” Power mentions Brady two additional times. On page four of the complaint, he demands that Brady sign and initial papers signed and notarized by Gordon and Arsht. Power also counsels Brady on what she should do if she wishes to remain an elected official. Power’s complaint additionally alleges that Gordon and Arsht formulated lies about him. The remainder of his complaint consists of a lengthy recitation of unrelated tragic world events.

Power’s complaint does not allege, or imply, that Brady was directly and personally responsible for Gordon’s and Arsht’s purported unlawful conduct. *See Robinson*, 120 F.3d at 1294. Nor does it allege that Brady knew of the alleged conduct and acquiesced in it. *See Coleman*, 87 F.3d at 1508. Indeed, Power’s complaint against Brady appears to do nothing more than order her to have Gordon and Arsht sign certain prepared statements.

The court therefore concludes that, even liberally construing Power’s complaint, he has failed to state a claim upon which relief can be granted. Accordingly, Brady’s motion to dismiss will be granted.

III. CONCLUSION

For the above reasons, IT IS HEREBY ORDERED that:

1. Power’s request for a recusal (D.I. 6) is DENIED.
2. Brady’s motion to dismiss (D.I. 5) is GRANTED.

Date: May 3, 2002

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE