

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

DAVID STEBBINS,

Appellant,

4<sup>th</sup> Cir. Case No. 26-1556

v.

JOSHUA MOON, *et al.*,

Appellees.

S.D. W.Va. Case No. 2:24-cv-140

**JOSHUA MOON AND LOLCOW LLC'S  
MOTION TO REMAND**

NOW COME Joshua Moon and Lolcow, LLC, appellees, by counsel, and move that this case be remanded to the District Court so that the procedures of Fed. R. App. 24 (a) and 28 U.S.C. § 1915 (a)(3) can be properly followed. In support of this Motion, Mr. Moon and Lolcow LLC state as follows:

1. Fed. R. App. P. 24 (a) provides the mandatory procedural mechanism to seek leave to appeal *in forma pauperis*. Mr. Stebbins has not followed that process, and in fact expressly confesses in his Notice of Appeal that he seeks to thwart the normal operation of the rules. ECF No. 42 (“I will not attach an affidavit of indigency... because... there is a 100% chance that the District Judge will simply declare that the appeal is not taken in good faith...”). This case must be remanded so that Mr. Stebbins does not benefit from his admitted and intentional violation of the rules.

2. When an appellant seeks to proceed as a pauper, that party must file an affidavit in the District Court. Fed. R. App. P. 24 (a). The District Court may either

grant or deny leave to appeal *in forma pauperis*. *Id.* at (b). Only if the District Court denies the motion to proceed as a pauper may a motion be filed in this Court. Fed. R. App. P. 24 (a)(5).

3. In his Notice of Appeal, Mr. Stebbins demonstrates a remarkable familiarity with the Federal Rules of Appellate Procedure, as befits his status as a twice- or thrice-declared vexatious litigant.<sup>1</sup> ECF No. 42. Specifically, Mr. Stebbins states that he will not comply with Fed. R. App. P. 24's requirements that he file an application to proceed *in forma pauperis* with the District Court, because he is certain that if he does so the District Court will "declare that the appeal is not taken in good faith" pursuant to Fed. R. App. P. 24 (a)(3)(A). If such a District Court declaration was

---

<sup>1</sup> On this point, Joshua Moon and Lolcow LLC refer this Court to the briefing in a related mandamus action, *In re David Stebbins*, Case No. 26-1398. Specifically, Mr. Stebbins admitted in that matter to having been once-declared a vexatious litigant, but claimed a second pre-filing restriction arising from his vexatious status was not yet finalized on appeal. Mr. Stebbins then moved to strike a third court order prohibiting him from filing pleadings without the benefit of an attorney, although he did not challenge its veracity. The underlying California decision declaring Mr. Stebbins vexatious is available at *Stebbins v. Google LLC*, No. 23-cv-00322-TLT, 2023 U.S. Dist. LEXIS 169937 (N.D. Cal. Aug. 30, 2023). Similar orders restricting Mr. Stebbins' ability to file have been entered by both state and federal courts in Arkansas. Exhibits 1-2. Mr. Stebbins' first reaction when his filing privileges were restricted was to forum shop. *Stebbins v. Hixson*, No. 3:18-CV-03040, 2018 U.S. Dist. LEXIS 79361, at \*2 (W.D. Ark. May 8, 2018) ("the Court believes that the only reason why Mr. Stebbins filed the instant lawsuit in the Eastern District... was either to avoid judicial review by the undersigned, who is very familiar with these facts, or to avoid the filing restrictions that were imposed upon him by the Honorable P.K. Holmes, III, Chief United States Judge for the Western District of Arkansas, in *David A. Stebbins v. Rita F. Stebbins and David D. Stebbins*, Case No. 3:12-CV-03130, Doc. 10.").

made, this Court would be statutorily unable to proceed because 28 U.S.C. § 1915 (a)(3) prohibits a grant of *in forma pauperis* status if the trial court makes such a finding.

4. Mr. Stebbins appears to believe that he can end-run the District Court's ability to declare his appeal is taken in bad faith by rushing first to this Court. That is contrary to the rules, and it is directly at odds with 28 U.S.C. § 2815 (a)(3).

5. Mr. Stebbins' procedural gamesmanship<sup>2</sup> cannot be permitted to prevail. If the District Court ultimately denies Mr. Stebbins the ability to proceed *in forma pauperis* on appeal, only then will this Court have the ability to consider any future motion for such status. Fed. R. App. P. 24 (a)(5). This Court has no discretion in the rules to consider a motion before the District Court does so, and therefore this Court should remand this case to the Southern District of West Virginia so that Mr. Stebbins can comply with the rules he confesses he would rather avoid.

---

<sup>2</sup> Sadly, procedural gamesmanship is one of the hallmarks of Mr. Stebbins' litigation history. "[T]he Court does not endorse Plaintiff's efforts to manipulate the litigation process and his blatant gamesmanship." *Stebbins v. Google LLC*, No. 23-cv-00322-TLT, 2023 U.S. Dist. LEXIS 169937, at \*7 (N.D. Cal. Aug. 30, 2023), citing *Stebbins v. Polano*, No. 21-CV-04184-JSW, ECF No. 134 at 1:24-25 (N.D. Cal. Apr. 12, 2022).

WHEREFORE, this Court should remand this matter to the District Court so that any motion for leave to proceed as a pauper can be adjudicated in the first instance by that court. Fed. R. App. P. 24 (a)(1), *cf.* 28 U.S.C. 2815 (a)(3).

Respectfully submitted this the 5<sup>th</sup> day of May 2026,

JOSHUA MOON  
LOLCOW LLC

**By Counsel:**

/s/Matthew D. Hardin

Matthew D. Hardin, VSB #87482

Hardin Law Office

101 Rainbow Drive #11506

Livingston, TX 77399

Phone: 202-802-1948

Email: MatthewDHardin@protonmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve the Petitioner. I have also sent an electronic courtesy copy to the petitioner via email addressed to: acerthorn@yahoo.com

Dated: May 5, 2026

/s/Matthew D. Hardin

Matthew D. Hardin

*Counsel for Joshua Moon and Lolcow, LLC*

**Certificate of Compliance**

I hereby certify, pursuant to Fed. R. App. P. 27(d)(2), that this Motion complies with the type volume limitation. It is, exclusive of the items listed in Fed. R. App. P. 32(f), 859 words in length. I have relied upon Microsoft Word's word count tool to establish that count.

Dated: May 5, 2026

/s/Matthew D. Hardin

Matthew D. Hardin

*Counsel for Joshua Moon and Lolcow, LLC*



IN THE CIRCUIT COURT OF BOONE COUNTY, ARKANSAS  
CIVIL DIVISION

FILED FOR RECORD  
2015 AUG 24 AM 9:14  
CLERK OF COURT  
BOONE CO. ARKANSAS  
BY

DAVID A. STEBBINS

PLAINTIFF

VS.

CASE NO. CV2015-38-4

GEOFF THOMPSON, JASON DAY, JASON JONES,  
JOHN EDGMON, BOB KING, DANNY HICKMAN,  
BOONE COUNTY, ARKANSAS, AND  
RAINWATER, HOLT, AND SEXTON, P.A.

DEFENDANTS

15003942

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER OF DISMISSAL AND FOR SANCTIONS**

The Court, having listened to argument, reviewing case law, and reviewing the file, does hereby issues the following findings of fact, conclusions of law, and orders:

**Findings of Fact**

1. That on February 12, 2012, the plaintiff filed Case No. 3:12-CV-03022 against Boone County, Arkansas and Sheriff Danny Hickman in the United States District Court, Western Division of Arkansas, Harrison Division.
2. That on January 16, 2014, the Honorable Judge James Marschewski, the United States Magistrate Judge for the Western District of Arkansas, issued an order resolving discovery issues raised by the plaintiff, including some of the same issues before this court.
3. That on April 22 and 23, 2014, Judge Marschewski held an evidentiary hearing to determine which issues, if any, were triable by a jury. These were issues as a matter of law.
4. That on July 11, 2014, Judge Marschewski filed a report and recommendation to dismiss Case No. 3:12-CV-03022.

5. That on August 25, 2014, the Eighth Circuit Court of Appeals denied the plaintiff leave to file an appeal in forma pauperis.

6. That on December 4, 2014, the plaintiff filed a petition for writ of certiorari with the United States Supreme Court, which was denied on February 10, 2015.

7. That on February 23, 2015, the plaintiff, representing himself pro se, then filed Case No. CV2015-38-4 against Geoff Thompson, Jason Day, Jason Jones, John Edgmon, Bob King, Danny Hickman, Boone County, Arkansas, and Rainwater, Holt and Sexton in the Circuit Court of Boone County, County,

8. That on March 12, 2015, a motion to dismiss was filed in this case by the defendants Day, King, and Boone County.

9. That on March 13, 2015, a motion to dismiss was filed by defendants Thompson and Rainwater, Holt and Sexton. and then subsequent to that the motion to dismiss were filed by the defendants Day, King, and Boone County, as well as motion to dismiss was filed by defendants Thompson and Rainwater, Holt and Sexton.

10. The plaintiff stated in his brief in support of plaintiff's response to the motion to dismiss filed on March 23, 2015, that all nine counts of perjury plaintiff brings in this case were, in fact, central to the underlying federal case, which was 3:12-CV-03022, and that the statements were "indeed very material to the related federal case."

#### **Conclusions of law and Orders of Dismissal and For Sanctions**

11. According to *Montana v. U.S.*, 440 U.S. 147 at 153, 154, under collateral estoppel once an issue is actually necessarily determined by a court of competent jurisdiction that

determination is conclusive in subsequent suits based on a different cause of action involving a party to a prior litigation. The Supreme Court in the *Montana* case stated further to preclude parties from contesting the matters they have had full and fair opportunity to litigate protects their adversaries from the expense and vexation attending multiple lawsuits, conserves judicial resources and fosters reliance on judicial action by minimizing the possibility of inconsistent decisions. See *Montana v. U.S.*, 440 U.S. at 153 and 154.

12. The Court finds that the motions for 12(b)(6) dismissal, for failure to state a claim for which relief may be granted, are granted as to the perjury and forgery claims, as the elements are not satisfied.

13. That, on January 16, 2014 and April 22, 2014, the plaintiff's discovery issues were actually and necessarily determined by the United States District Court in Case No. 3:12-CV-2015-38-4. The United States District Court for the Western District of Arkansas is a court of competent jurisdiction. That the plaintiff had a full and fair opportunity to litigate those discovery matters in federal court and those issues were actually adjudicated in the federal case 3:12-CV-2015-38-4 on April 22, 2014. That the determination of the United States court is therefore conclusive in subsequent suits based on a different cause of action involving a party to the prior litigation. The federal court case 3:12-CV-2015-38-4 was dismissed with prejudice. The time to appeal that case has expired and the plaintiff's writ of certiorari was denied

14. The Court also finds that the plaintiff's claims of perjury against the defendant in this matter were central and material to the underlying discovery issues in the federal case as pleaded by the plaintiff in this matter.



15. The Court also finds that discovery issues were actually necessarily determined by the United States District Court and dismissed with prejudice. This court finds that, for the reasons stated above, that the plaintiff is collaterally estopped and precluded from claiming the perjury issue and the forgery issue in this action. Therefore, the issue for perjury and forgery being the only issues in these complaints, the case is hereby dismissed with prejudice as to all defendants.

16. As to Rule 11, when a plaintiff represents himself pro se, he is treated by the court as if he had full knowledge and understanding of the law, Rules of Evidence, and Rules of Civil Procedure equal to a licensed attorney.

17. Under Rule 11 of the Arkansas Rule of Civil Procedure, an attorney signing a pleading, motion or other paper on behalf of a party constitutes a certificate that (1) the attorney made a reasonable inquiry into the facts supporting the document or pleading, (2) that he or she made a reasonable inquiry into the law supporting that document to ensure that it is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (3) the attorney did not interpose the document for any improper purpose -- purpose, such as to harass or cause unnecessary delay or needlessly increase in the cost of litigation. *See Crockett & Brown, P.A. v Wilson*, 901 S.W.2d 822, also 828 (Ark. 1995); Arkansas Rule of Civil Procedure 11.

18. Rule 11(a) provides, in part, that the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a representative party, or both, an appropriate sanction. The Court finds that the plaintiff did not make a reasonable inquiry into the law as to

the issues in this case: as to the jurisdiction issue and as to the collateral estoppel issue. The Court finds that the plaintiff did not act in good faith in his filing of this action. This court finds that the plaintiff filed this action for the purpose to harass these defendants which resulted in the needless increase in the cost of litigation. Therefore, the Court will award attorneys fees in an amount deemed appropriate by this court for the separate defendants Geoff Thompson and Rainwater, Holt and Sexton. The Court also awards attorneys fees in an amount appropriate to be determined by this court to the separate defendants Jason Day, Bob King, and Boone County, Arkansas.

19. Also, the Court is going to sanction Mr. Stebbins. Mr. Stebbins is hereby sanctioned and prohibited from filing any cause of action in the Circuit Court of Boone County as a pro se plaintiff. The Boone County Circuit Court is hereby ordered to refuse to accept any cause of action to be filed in the Boone County Circuit Court where Mr. Stebbins is acting as a pro se plaintiff. He is no longer able to file any lawsuits in Boone County on his own. He will find appropriate counsel to assist him to do so. The plaintiff is representing himself and plaintiff may file cases through counsel. This court is imposing the sanction to ensure that no further frivolous actions are filed to harass these parties or cause a needless increase in the cost of litigation in its future.

Therefore, for the reasons set forth above, the Defendants' motions to dismiss are GRANTED, this case is dismissed with prejudice, and the Plaintiff is sanctioned, as set forth herein.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Brad Karren", written over a horizontal line.

Brad Karren

Circuit Judge

8-20-15

Date

Prepared by:

Jason E. Owens

Attorney for Defendants



IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

DAVID A. STEBBINS

PLAINTIFF

v.

Case No. 3:12 CV 03130

RITA F. STEBBINS, and DAVID D. STEBBINS

DEFENDANTS

**ORDER**

Currently before the Court is the Report and Recommendations (Doc. 7) filed by Chief United States Magistrate Judge James Marschewski on February 6, 2013. Also before the Court are Plaintiff David Stebbins s timely filed objections (Doc. 8).

The Magistrate recommends denying Mr. Stebbins s motion to proceed *in forma pauperis* and directing the Clerk not to accept future filings from Mr. Stebbins unless he pays the filing fee. Mr. Stebbins objects to the Magistrate s Report and Recommendations, arguing that Judge Marschewski erred in only considering his litigation history in recommending that Mr. Stebbins be denied *in forma pauperis* status. Mr. Stebbins argues that frivolity of a case should be determined based on each individual filing. The Court has conducted a *de novo* review concerning Mr. Stebbins s objections. 28 U.S.C. § 636(b)(1).

Mr. Stebbins undoubtedly has a right to access to the courts. However, his right of access, especially a right of free access, cannot be unlimited in the face of abuse. As the Eighth Circuit has stated:

The Court has authority to control and manage matters pending before it . . . . [W]e must recognize that judicial resources are limited in the short run and need to be protected from wasteful consumption. Frivolous, bad faith claims consume a significant amount of judicial resources, diverting the time and energy of the judiciary away from processing good faith claims.

The most apparent effect of excessive litigation is the imposition of unnecessary burdens on, and the useless consumption of, court resources . . . . [A]busive litigation results in prolonged, repetitive harassment of defendants causing frustration and often extraordinary and unreasonable expenditures of time and money defending against unfounded claims.

Defendants have a right to be free from harassing, abusive, and meritless litigation. Federal courts have a clear obligation to exercise their authority to protect litigants from such behavior. The Court may, in its discretion, place reasonable restrictions on any litigant who files non meritorious actions for obviously malicious purposes and who generally abuses judicial process. These restrictions may be directed to provide limitations or conditions on the filing of future suits.

*In re Tyler*, 839 F.2d 1290, 1292-93 (8th Cir. 1988) (quoting *People of the State of Colorado v. Carter*, 678 F. Supp. 1484, 1486 (D. Colo. 1986)) (internal citations omitted).

Mr. Stebbins argues that a majority of the cases he has filed in this District have not been found to be frivolous upon initial review. This does not mean, however, that in the cases where Mr. Stebbins was granted *in forma pauperis* status, his claims were not frivolous.<sup>1</sup> The fact that Mr. Stebbins has previously been given leave to proceed *in forma pauperis* in certain cases merely means that his claims in those cases were not patently frivolous based on an evaluation of Mr. Stebbins's complaint alone and giving Mr. Stebbins every benefit of the doubt. The fact remains that Mr. Stebbins has not succeeded on the merits in any of the numerous cases he has filed in this District. Whether or not Mr. Stebbins made his filings based on his own good faith belief in their merits does not change the fact that he has a history of filing ultimately meritless cases upon which the Court has been forced to expend countless hours of time and judicial resources. Not only has Mr. Stebbins filed numerous cases, but he has also filed over one hundred motions within those cases, some of

---

<sup>1</sup> As in *Tyler*, Mr. Stebbins's extensive experience in filing lawsuits has equipped him with some knowledge of the law, and his skills in drafting are often sufficient to at least raise a question as to factual matters alleged that could constitute a claim, thereby preventing dismissal of the complaint as frivolous upon initial review. *Tyler*, 839 F.2d 1290, 1293.

which have been repetitive, and few of which have had any merit. Regardless of Mr. Stebbins's alleged good faith intent in filing his various lawsuits, the fact remains that he has abused the system by continuing to file unmeritorious claims and motions. Mr. Stebbins's history of unsubstantial and vexatious litigation is an abuse of the permission granted to him to proceed as a pauper in good faith under 28 U.S.C. § 1915(d). *Maxberry v. Sec. and Exchange Comm.*, 879 F.2d 222, 224 (6th Cir. 1989).

Mr. Stebbins argues that the frivolity of each individual case must be considered before it can be dismissed as frivolous—that the Court cannot rely solely on Mr. Stebbins's history of abusive or frivolous filings in denying him *in forma pauperis* status. The Court disagrees. As the Eighth Circuit and other courts have stated, the Court has a responsibility to manage matters pending before it to safeguard the judicial system from abuses and to protect defendants from harassing litigation. The Court will nevertheless conduct an initial review of the merits of the instant matter, since courts generally have enjoined litigants from future action, and not contemporaneously with a particular filing.<sup>2</sup>

The Court finds, upon initial review of Mr. Stebbins's complaint, that Mr. Stebbins's claims should be dismissed as frivolous upon initial review. 28 U.S.C. § 1915(e)(2). Mr. Stebbins complains that Defendants—who are, biologically, [his] parents—listed Mr. Stebbins on their tax returns for the past four years despite the fact that they were not paying his living expenses at all or not for a majority of the year. Mr. Stebbins surmises that his parents' actions might constitute

---

<sup>2</sup> The Court does not believe, given Mr. Stebbins's litigation history and given that he had an opportunity to respond to the Report and Recommendations of the magistrate judge, that denying *in forma pauperis* status in the instant case based on his past abuses would necessarily be contrary to law. However, for the sake of argument, the Court entertains Mr. Stebbins's objection as to this point.

identity theft, but he is unsure. He invokes the jurisdiction of this Court based on the fact that his parents were filing federal tax returns. He then asks for compensatory damages in an amount representing his living expenses during the years he was claimed as a dependent, plus punitive damages.

First, the Court does not agree that Mr. Stebbins has a cognizable claim for identity theft based on his biological parents claiming him on their tax return. Second, Mr. Stebbins does not cite to any statute or precedent for the propositions that mere use of a federal tax form can (a) give rise to a private civil cause of action against someone who improperly claims a tax credit and/or (b) can confer a federal court with jurisdiction. Mr. Stebbins lists his parents' address as being in Harrison, Arkansas, so diversity jurisdiction cannot otherwise be exercised. Furthermore, taking Mr. Stebbins's allegations as true, it does not appear that Mr. Stebbins would have any claim for damages against his parents. If his parents improperly claimed a tax credit, it would be the federal government that was damaged by Mr. Stebbins's parents' underpayment of their taxes or the IRS's overpayment of Mr. Stebbins's parents' tax return. The fact that a person may claim a dependent on their federal tax return does not make them indebted to the claimed dependent for the claimed dependent's calculation of 51% of the dependent's living expenses for that tax year. Mr. Stebbins's complaint is therefore subject to dismissal for both for lack of jurisdiction and for failure to state a claim.

Because it is not always possible to tell, indisputably, upon initial review of Mr. Stebbins's complaints whether he might have a valid claim, the possibility of dismissal upon initial review is insufficient to curb his abuse of the judicial system. *See Tyler*, 839 F.2d at 1294. Although Mr. Stebbins financially qualifies for *in forma pauperis* status, he does receive a monthly disability

payment of \$628.20 per month plus \$79 per month in food stamps. His monthly income (not including the food stamps) exceeds his stated monthly expenses (totaling \$458.70) by \$169.50. It appears that, while a \$400.00 filing fee would effectively prevent Mr. Stebbins from filing a case in federal court, Mr. Stebbins does have the ability to pay a refundable bond in order to file a complaint in this District. Mr. Stebbins may also be properly limited in the number of cases he may file in a given time period. *Tyler*, 839 F.2d at 1294 (limiting indigent prisoner plaintiff to filing one case per month).

For the reasons set forth above, and having conducted a *de novo* review in regard to Mr. Stebbins's objections to the Report and Recommendations, the Court hereby ADOPTS the Report and Recommendation (Doc. 7), with certain modifications in accordance with this Order.

**IT IS ORDERED** that Mr. Stebbins's motion for leave to proceed *in forma pauperis* (Doc. 2) is DENIED.

**IT IS FURTHER ORDERED** that Mr. Stebbins's Complaint is DISMISSED WITH PREJUDICE for failure to state a claim on which relief may be granted and, additionally and alternatively, for lack of jurisdiction.

**IT IS FURTHER ORDERED** that Mr. Stebbins is limited to filing one case in the federal courts for the Western District of Arkansas per every three calendar months. All claims in any case should be properly joined or the case may be subject to dismissal. This condition is effective immediately. As Mr. Stebbins recently filed a new case in this Court on July 2, 2013, he is enjoined, pursuant to this condition, from filing another case until October 1, 2013.<sup>3</sup>

---

<sup>3</sup> This, or any other condition placed herein by the Court, does not limit Mr. Stebbins's ability to file a claim, alleging in clear, specific language that he has been, or is about to be subjected to immediate, extraordinary, and irreparable physical harm, such allegations being supported by an



**IT IS FURTHER ORDERED** that Mr. Stebbins is enjoined from filing any lawsuit in federal court in this District, the Western District of Arkansas, unless he:

1. Posts a \$100 refundable bond with the Clerk of Court. The bond will be held by the Clerk of Court. If Mr. Stebbins s complaint passes an initial prescreening review under 28 U.S.C. § 1915, and Mr. Stebbins litigates the case in accordance with Federal Rule of Civil Procedure 11, and particularly Rule 11(b), the bond will be returned to him at the conclusion of his case. If Mr. Stebbins s case is found to be subject to dismissal upon initial review and/or Mr. Stebbins fails to behave in accordance with Rule 11, the \$100.00 bond will be forfeited to the Court as partial payment of the filing fee;
2. Attaches a copy of this Order to his Complaint; and
3. Attaches an affirmation, signed by Mr. Stebbins, of the date of his most recent prior filing of a new case in this District.

The Clerk is directed to return any complaint from Mr. Stebbins that is not filed in compliance with this Order.

Nothing in this Order will prohibit Mr. Stebbins from proceeding as a proponent in any civil claim in this District with the representation of an attorney licensed to practice in the State of Arkansas and admitted to practice in this District. Nothing in this Order will prohibit Mr. Stebbins from defending himself in any criminal or civil litigation brought against him in this District.

Further, Mr. Stebbins is advised not to yell at court staff or use abusive language in any

---

accompanying affidavit setting forth clearly and specifically the facts giving rise to the complaint and any documentation of such facts that might exist.

written or oral communication with the Court or fellow litigants. Mr. Stebbins will be expected to behave with the decorum expected of all litigants who appear before, or file pleadings with, this Court. Failure to behave in a proper manner may result in sanctions being imposed on Mr. Stebbins or further restrictions or conditions placed on his ability to make filings or informal communications with the Court.

The Court has also considered Mr. Stebbins's Motion to Disqualify Judge Marschewski, and possibly Judge Holmes, and finds that the motion should be denied. Mr. Stebbins argues that Magistrate Judge Marschewski has demonstrated an animus against him by entering the Report and Recommendations in this case and by recommending that Mr. Stebbins not be granted leave to proceed *in forma pauperis*. The Court cannot find that the Report and Recommendations are evidence of an animus held by Judge Marschewski against Mr. Stebbins. Rather, they are Judge Marschewski's recommendations to this Court based on his review of the applicable law. The findings and recommendations have now been largely adopted by the Court. The fact that Mr. Stebbins disagrees with or does not like Judge Marschewski's recommendations, or this Court's findings, does not create grounds for disqualification. Mr. Stebbins filed objections to the Report and Recommendations, which were duly considered by the Court.

**IT IS THEREFORE FURTHER ORDERED** that Mr. Stebbins's Motion to Disqualify (Doc. 9) is DENIED.

IT IS SO ORDERED this 3rd day of July, 2013.

  
P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE