

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
BAHRI BEGOLLI,

Plaintiff,

v.

THE HOME DEPOT,

Defendant.

-----

ORDER

11-cv-380-bbc

The case has been remanded from the Court of Appeals for the Seventh Circuit. Plaintiff Bahri Begolli is proceeding pro se on a claim that defendant The Home Depot violated his rights under Title VII of the Civil Rights Act by refusing to hire him because of his national origin. Plaintiff filed discrimination complaints with the EEOC and the Wisconsin Equal Rights Division on June 26, 2008, and filed a lawsuit in this court after his administrative complaints were dismissed as untimely. Defendant then moved to dismiss plaintiff's complaint on the ground that plaintiff had failed to file a timely administrative complaint within 300 days of being informed of the allegedly unlawful employment practice, as required by Title VII. 42 U.S.C. § 2000e-5(e)(1). According to defendant, it told plaintiff he would not be hired on August 27, 2007, which was 304 days before he filed his administrative complaint. Plaintiff denied that he received notice on August 27. On March 9, 2012, an evidentiary hearing was held to resolve disputed facts, and on March 12, 2012, I dismissed plaintiff's complaint after concluding that he had failed to file a timely administrative complaint of discrimination.

Plaintiff appealed and the court of appeals reversed, concluding that the statute of limitations issue should have been resolved by a jury, not the court. Begolli v. Home Depot U.S.A., Inc., 701 F.3d 1158, 1160 (7th Cir. 2012).

Now that case has been remanded to this court, plaintiff has filed a motion for “clarification,” which appears to be a request for reassignment of the case to a different judge. Dkt. #63. He contends that I am biased against him and have repeatedly refused to accept his interpretation of the law regarding the statute of limitations for Title VII claims.

The motion for reassignment will be denied. As an initial matter, I note that plaintiff made two requests for judicial reassignment to the court of appeals. In his initial notice of appeal, he asked that if the case was remanded, “[t]he assigned judge for this case, this time, must be male!” Dkt. #45. (Plaintiff states in his reply brief that he was not intending to be discriminatory with his request, but that he simply wanted a different judge to review his case. Dkt. #66.). In its decision reversing this court’s dismissal of the case, the court of appeals did not address plaintiff’s request for judicial reassignment. (Because no trial was held by this court, there was no automatic basis for reassignment under the rules of this circuit. Circuit Rule 36.) After the court of appeals issued its decision, plaintiff filed a “motion for clarification” with the court of appeals, challenging the court’s interpretation of the law regarding the statute of limitations and asking for a new judge on remand. Dkt. #63-3. The court of appeals denied the motion without comment. Order, dkt. #22, in Begolli v. Home Depot U.S.A. Inc., Case No. 12-1875 (Jan. 7, 2013). Thus, plaintiff is now making a request that has been rejected twice by the court of appeals.

Certain statutes authorize recusal of judges for “personal bias or prejudice,” 28 U.S.C.

§§ 144 and 455, but plaintiff has alleged nothing that would demonstrate that either of these apply. I am not biased or prejudiced against plaintiff. Plaintiff seems to believe that I am biased primarily because I issued decisions adverse to him with which he disagreed. Specifically, he contends that I showed bias and prejudice by: (1) addressing the timeliness issue before the merits of his discrimination claim; (2) refusing to allow him to discuss evidence of discrimination at the evidentiary hearing; (3) failing to provide him an official interpretation of Wisconsin law; and (4) rejecting his evidence and version of events at the hearing. By themselves, such judicial rulings are not a sufficient basis for recusal. Litekey v. United States, 510 U.S. 540, 555 (1994). The recusal statutes were not “intended to enable a discontented litigant to oust a judge because of adverse rulings.” Id. at 549.

In sum, the previous decisions I entered in this case were made on the basis of my interpretation of the law and facts and not because of any personal bias or prejudice. There is no basis for judicial reassignment.

#### ORDER

IT IS ORDERED that plaintiff Bahri Begolli’s motion for judicial reassignment, dkt. #63, is DENIED.

Entered this 5<sup>th</sup> day of March, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge