UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-CIV-80495-MARRA

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION,
OCWEN MORTGAGE SERVICING, INC.,
OCWEN LOAN SERVICING, LLC and
PHH MORTGAGE CORPORATION,

Defendants.
_____/

ORDER DISMISSING JOHN AND JOANNA BURKE'S PRO *SE* MOTION FOR RECONSIDERATION OF RENEWED MOTION TO INTERVENE FOR LACK OF JURIDSICTION AND ORDER DENYING MOTION FOR RECUSAL [DE 790]

THIS CAUSE is before the Court on John Burke's and Joanna Burke's *pro se* motion for reconsideration of this Court's May 24, 2021 Order dismissing the Burkes' renewed motion to intervene for lack of jurisdiction [DE 788], which includes a request for recusal of the undersigned based on claim that the Court's decisions on intervention requests in this case indicate that the Court is biased against the proposed intervenors [DE 790].

In addressing a motion to recuse pursuant to 28 U.S.C. §455(a), the Court is tasked with determining "whether an objective, disinterested lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality. " *Diversified Numismatics, Inc. v. City of Orlando*, 949 F.2d 382, 385 (11th Cir. 1991). As a general proposition, absent a showing of pervasive bias and prejudice, a judge's

rulings in the same or a related case may not serve as the basis for a recusal motion. *McWhorter v. City of Birmingham*, 906 F.2d 674, 578 (11th Cir. 1990).

Applying these standards here, the Court denies the motion to recuse because the Burkes have not shown that an objective, disinterested lay observer would have any doubt regarding the Court's impartiality. The Burkes rely solely on the Court's unfavorable rulings on intervention requests in this case, which is an insufficient premise for a recusal motion. *See e.g. Jerome v. Barcelo Crestline, Inc.*, 507 Fed. Appx. 861, 865 (11th Cir. 2013) (citing *Diversified Numismatics*, 949 F.2d at 385).

It is accordingly **ORDERED AND ADJUDGED**:

1. The Burkes' *pro se* motion for reconsideration of the Court's May 24, 2021 Order denying the Burkes' renewed motion to intervene [DE 790] is **DISMISSED FOR LACK OF JURISDICTION**.
2. The Burkes' *pro se* motion for recusal [DE 790] is **DENIED**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 10th day of June, 2021.

KENNETH A. MARRA
United States District Judge

Copies to:

All parties
John Burke and Joanna Burke, *pro se*