

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

OSCAR CABA

v.

CA No. 05-26-T

UNITED STATES OF AMERICA

ORDER DENYING MOTION TO RECUSE

Oscar Caba has moved to recuse the undersigned from consideration of his § 2255 motion alleging that this Court is biased against him because it "wanted to sentence him to more time than even the U.S.S.G. allowed and asked the prosecutor if he could." (Traverse at 12).


At Caba's sentencing hearing, this Court raised the question of whether an upward departure should be made pursuant to U.S.S.G. § 3C1.1 for obstruction of justice on the ground that it appeared that trial testimony given by a witness named Vargas was false and had been obtained and suborned by Caba. However, in response to an inquiry by the Court, the government stated that it was not seeking an upward departure and the Court decided not to make one.

Because these facts fall far short of establishing anything approaching grounds for recusal, Caba's motion is denied.

By Order


Deputy Clerk

ENTER:


Ernest C. Torres
Sr. U.S. District Judge

Date: 5/1/07