

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Hoid v. Boulder County Sheriff's Office

Hoid · No. 23-cv-00616-PAB-TPO · Decided May 18, 2026

SUMMARY

The United States District Court for the District of Colorado denies Edward Hoid’s fifth motion seeking recusal and disqualification of Chief Judge Philip A. Brimmer under 28 U.S.C. § 455. The court finds that Hoid’s unsupported and conclusory allegations of judicial bias do not provide a reasonable basis for questioning the judge’s impartiality.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Philip A. Brimmer
JURISDICTION	United States District Court for the District of Colorado
DECIDED	May 18, 2026
DOCKET	23-cv-00616-PAB-TPO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for the recusal and disqualification of the district judge under 28 U.S.C. § 455. The court construed the motion under § 455 because plaintiff did not identify a statutory basis and did not file the affidavit required by § 144.
STANDARD OF REVIEW	Recusal under 28 U.S.C. § 455 is evaluated under an objective standard: whether a well-informed, thoughtful, and objective observer would harbor doubts about the judge's impartiality. The court first asks whether a reasonable factual basis exists to question impartiality.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- judicial disqualification and recusal
- federal civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff's emergency motion required recusal under 28 U.S.C. § 455.
2. Whether the motion could be treated as a motion under 28 U.S.C. § 144 despite the absence of the required supporting affidavit.

HOLDINGS

1. Recusal is not warranted where the motion rests on unsupported, conclusory, irrational, or highly tenuous accusations that would not cause a well-informed, thoughtful, and objective observer to question the judge's impartiality.
2. A recusal motion cannot be treated as arising under 28 U.S.C. § 144 when it is not accompanied by the statute's required affidavit stating the facts and reasons supporting the claimed bias or prejudice.

KEY QUOTATIONS

“Section 455 establishes ‘an objective standard: disqualification is appropriate only where the reasonable person, were he to know all the circumstances, would harbor doubts about the judge’s impartiality.’” (Order text)

“A well-informed, thoughtful, and objective observer who is an average member of the public would not find that these unsubstantiated and conclusory allegations establish that I am biased against Mr. Hoid.” (Order text)

“A judge should not recuse based on unsupported, irrational, or highly tenuous speculation and accusations.” (Order text)

FACTUAL BACKGROUND

Plaintiff Edward Hoid alleged that Judge Brimmer engaged in judicial forgery, colluded with defense counsel, incited violence, and obstructed access to medical information. He also incorporated an emergency mandamus petition and asserted that the allegations demonstrated judicial bias against him. Plaintiff provided no explanation, evidence, or affidavit supporting the allegations.

PROCEDURAL HISTORY

Edward Hoid filed this action against the Boulder County Sheriff's Office and filed multiple prior motions seeking recusal of Judge Brimmer. The present emergency motion was his fifth recusal motion and alleged judicial misconduct, collusion, and bias, but supplied no supporting explanation or evidence. The court denied the motion.

DISPOSITION

other

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- United States v. Mobley, 971 F.3d 1187, 1205 (10th Cir. 2020)
- United States v. Wells, 873 F.3d 1241, 1251 (10th Cir. 2017)
- Clark v. Time Inc., 727 F. App'x 975, 978 (10th Cir. 2018)
- Lawton v. Ctr. Stock Co., LLC, No. 06-cv-01125-REB-MEH, 2007 WL 1491269, at *1 (D. Colo. May 21, 2007)
- United States v. Cooley, 1 F.3d 985, 993 (10th Cir. 1993)
- Drevaleva v. Johnson, 2023 WL 5564098, at *5 (D.N.M. Aug. 29, 2023)
- In re Am. Ready Mix, Inc., 14 F.3d 1497, 1501 (10th Cir. 1994)
- Hinman v. Rogers, 831 F.2d 937, 939-40 (10th Cir. 1987)

OPINION

Hoid

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Judge Philip A. Brimmer Civil Action No. 23-cv-00616-PAB-TPO

EDWARD HOID,

Plaintiff, v.

BOULDER COUNTY SHERIFF'S OFFICE,

Defendant.

ORDER

This matter comes before me on the Emergency Motion for Disqualification and Mandatory Recusal of Chief Judge Phillip [sic] Brimmer [Docket No. 142]. Plaintiff Edward Hoid requests that I recuse myself from this case.¹ This is Mr. Hoid's fifth motion requesting that I recuse myself. See Docket Nos. 106, 107, 113, 117. Mr. Hoid does not specify under which statute he seeks my recusal. See generally Docket No. 142. However, I construe his request as being brought under 28 U.S.C. § 455.2 Under 28 U.S.C. § 455, a federal judge is required to recuse himself "in 1 Mr. Hoid filed this action pro se. Mr. Hoid filed a motion to appoint counsel, Docket No. 103, which was granted on February 11, 2026. Docket No. 120. Mr. Hoid was appointed counsel on March 18, 2026, Docket No. 130, and counsel entered an appearance on April 9, 2026. Docket No. 139. On April 23, 2026, Mr. Hoid's counsel filed a motion to withdraw as counsel, stating that Mr. Hoid has expressly terminated his representation. Docket No. 143. On May 11, 2026, Magistrate Judge Timothy P. O'Hara granted the motion to withdraw as counsel. Docket No. 154. Thus, Mr. Hoid is now proceeding pro se, and I therefore construe his filing liberally without serving as his advocate. See Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). 2 The only other possible statutory basis for my recusal would be under 28 U.S.C. § 144. However, a motion under § 144 must be accompanied by an affidavit that states any proceeding in which his impartiality might

reasonably be questioned” or “[w]here he has a personal bias or prejudice concerning a party.” 28 U.S.C. § 455(a), (b)(1). “Section 455 establishes ‘an objective standard: disqualification is appropriate only where the reasonable person, were he to know all the circumstances, would harbor doubts about the judge’s impartiality.’” *United States v. Mobley*, 971 F.3d 1187, 1205 (10th Cir. 2020) (quoting *United States v. Wells*, 873 F.3d 1241, 1251 (10th Cir. 2017)). “In conducting this review, [the court] must ask how these facts would appear to a well-informed, thoughtful and objective observer, who is an average member of the public, not a hypersensitive, cynical, and suspicious person.” *Id.* (internal quotations and citation omitted). “[T]he initial inquiry is whether a reasonable factual basis exists for calling the judge’s impartiality into question.” *Clark v. Time Inc.*, 727 F. App’x 975, 978 (10th Cir. 2018) (unpublished) (citation omitted). The basis for Mr. Hoid’s recusal is that I have “engaged in felonious judicial forgery” and have “colluded with media defense counsel to publish fraudulent scripts designed to incite public violence and dozens of assassination attempts.” Docket No. 142 at 1. Mr. Hoid also asserts that my “antics and refusal to transmit life-saving medical information have created a state-sponsored blockade, restraining the Plaintiff from essential medicine until total physical collapse is achieved.” *Id.* at 2. Furthermore, Mr. Hoid incorporates by references a document he titled an “EMERGENCY PETITION FOR WRIT OF MANDAMUS.” *Id.* The document calls for my “immediate arrest” based “the facts and the reasons for the belief that bias or prejudice exists.” 28 U.S.C. § 144. Mr. Hoid has not filed an affidavit. Thus, the Court construes this motion as being brought under 28 U.S.C. § 455. on similar grounds as the motion for recusal. *Id.* at 3-6. Although Mr. Hoid does not say so, presumably these allegations demonstrate that I am biased against him. Mr. Hoid, however, provides no explanation or evidence to support his allegations. “[S]uch unsupported accusations carry no weight in the recusal calculus.” *Lawton v. Ctr. Stock Co., LLC*, No. 06-cv-01125-REB-MEH, 2007 WL 1491269, at *1 (D. Colo. May 21, 2007). “The requirements for disqualification under § 455 are not satisfied by ‘[r]umor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual matters.’” *Clark*, 727 F. App’x at 978 (quoting *United States v. Cooley*, 1 F.3d 985, 993 (10th Cir. 1993)). A well-informed, thoughtful, and objective observer who is an average member of the public would not find that these unsubstantiated and conclusory allegations establish that I am biased against Mr. Hoid. See *Mobley*, 971 F.3d at 1205. Importantly, “under either § 144 or § 455 there is as much obligation for a judge not to recuse when there is no occasion to do so as there is to recuse when there is a reasonable basis to do so. A judge should not recuse based on unsupported, irrational, or highly tenuous speculation and accusations.” *Drevaleva v. Johnson*, 2023 WL 5564098, at * 5 (D.N.M. Aug. 29, 2023) (citing *In re Am. Ready Mix, Inc.*, 14 F.3d 1497, 1501 (10th Cir. 1994)); see also *Hinman v. Rogers*, 831 F.2d 937, 939-40 (10th Cir. 1987). Thus, because Mr. Hoid’s motion is based on unsupported accusations, I will deny the motion to recuse. Therefore, it is ORDERED that the Emergency Motion for Disqualification and Mandatory Recusal of Chief Judge Phillip [sic] Brimmer [Docket No. 142] is DENIED. DATED May 18, 2026. BY THE COURT:

PHILIP A. BRIMMER
United States District Judge

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