

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Linda Cook v. Ben Hosseinzadeh et al.

Cook · No. 2:25-cv-02013-JHC · Decided December 1, 2025

SUMMARY

The United States District Court for the Western District of Washington affirmed Judge John H. Chun’s denial of Linda Cook’s motions for recusal and reassignment. The court held that Cook’s challenge to the constitutional validity of Judge Chun’s nomination did not establish bias or provide a valid basis for recusal under 28 U.S.C. §§ 144 and 455.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	David G. Estudillo
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 1, 2025
DOCKET	2:25-cv-02013-JHC
DISPOSITION	affirmed
PROCEDURAL POSTURE	The district court reviewed Judge John H. Chun's denial of Plaintiff's motions for recusal and reassignment under Western District of Washington Local Civil Rule 3(f).
STANDARD OF REVIEW	Recusal is evaluated objectively under whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned; the inquiry concerns the appearance of bias rather than bias in fact.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Linda Cook v. Ben Hosseinzadeh et al.

TOPICS

- civil procedure
- constitutional law

PRACTICE AREAS

- civil procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for reassignment and challenge to Judge Chun's nomination created a valid basis for recusal under 28 U.S.C. §§ 144 or 455.
2. Whether the record contained evidence that would cause a reasonable person with knowledge of all the facts to question Judge Chun's impartiality.

HOLDINGS

1. A party cannot create a valid basis for judicial recusal merely by filing a reassignment motion or making conclusory allegations challenging the judge's qualifications or prior rulings; Plaintiff's motion and nomination challenge did not establish grounds for recusal.
2. The court found no evidence that would lead a reasonable person to question Judge Chun's impartiality and affirmed his denial of Plaintiff's motions for recusal and reassignment.

KEY QUOTATIONS

“Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.”” (at 1)

“A party cannot manufacture grounds for recusal by fantastic allegations, by vague accusations or by alleging in conclusory terms that a judge is biased, by filing an ethics complaint against a judge, or even by suing a judge.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed motions seeking reassignment and recusal of Judge John H. Chun. The motions were based on Plaintiff's challenge to the constitutional validity of Judge Chun's nomination to the federal judiciary and the asserted conflict created by filing the reassignment motion. Plaintiff did not present evidence showing that Judge Chun's nomination was irregular or that his impartiality could reasonably be questioned.

PROCEDURAL HISTORY

Plaintiff moved for recusal and reassignment of Judge Chun, asserting that her reassignment motion created an extrajudicial conflict and challenging the constitutional validity of Judge Chun's nomination. Judge Chun denied the motions. The matter was referred for review under Local Civil Rule 3(f), and the reviewing court affirmed the denial.

DISPOSITION

affirmed

CASES CITED

- Agha-Khan v. Mortgage Elec. Registration Sys., Inc., 2022 WL 501564, at *1 (9th Cir. Feb. 18, 2022)
- Mayes v. Leipziger, 729 F.2d 605, 607 (9th Cir. 1984)

- *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993)
- *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1991)
- *Royer v. Pennsylvania State Univ.*, No. 03:00-CV-290-KRG-KAP, 2012 WL 956422, at *1 (W.D. Pa. Feb. 28, 2012)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF
WASHINGTON AT TACOMA 9 10 LINDA COOK, CASE NO. 2:25-cv-02013-JHC 11 Plaintiff,
ORDER AFFIRMING DENIAL OF 12 v. RECUSAL (DKT. NO. 13) 13 BEN HOSSEINZADEH
et al., 14 Defendant. 15 16 This matter comes before the Court on Judge. John H. Chun's denial
(Dkt. No. 13) of 17 Plaintiff's motions for recusal (Dkt.

No. 11) and reassignment (Dkt. No. 12). Local Civil Rule 18 3(f) provides that whenever a judge
in this District declines to voluntarily recuse themselves from a 19 case following a party's motion to
recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, they 20 "will direct the clerk to refer the
motion to the chief judge." Accordingly, this Court now 21 reviews Judge Chun's decision not to
recuse.

22 Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is 23
required if a judge's impartiality might reasonably be questioned or if the judge harbors personal
24 1 bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must
derive 2 from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022
WL 3 501564, at *1 (9th Cir.

Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir. 1984). 4 Under both 28 U.S.C. §
144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate if "a 5 reasonable person with
knowledge of all the facts would conclude that the judge's impartiality 6 might reasonably be
questioned." *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993).

7 This is an objective inquiry concerned with whether there is the appearance of bias, not whether
8 there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1992). 9 Plaintiff
contends that her contemporaneously filed motion for reassignment "creates a 10 self-evident,
extra-judicial conflict of interest for Judge Chun that requires his recusal or 11 disqualification
from ruling on the Motion for Reassignment." (Dkt.

No. 10 at 1–2.) This claim 12 is unpersuasive. "A party cannot manufacture grounds for recusal by
fantastic allegations, by 13 vague accusations or by alleging in conclusory terms that a judge is
biased, by filing an ethics 14 complaint against a judge, or even by suing a judge." *Royer v.*
Pennsylvania State Univ., No. 15 03:00-CV-290-KRG-KAP, 2012 WL 956422, at *1 (W.D.

Pa. Feb. 28, 2012), report and 16 recommendation adopted, 2012 WL 954710 (W.D. Pa. Mar. 20,
2012) (internal citation 17 omitted). Put another way, "[a]utomatic disqualification of a judge

cannot be obtained by the 18 simple act of suing the judge, particularly where the suit is primarily based on the judge's prior 19 judicial rulings." Guide to Judiciary Policy, Vol.

2: Ethics and Judicial Conduct, Pt. B: Ethics 20 Advisory Opinions, Published Advisory Opinion No. 103, at 191, 21 <https://www.uscourts.gov/sites/default/files/2025-03/guide-vol02b-ch02.pdf>. Under Canon 22 3C(1)(d)(i) of the Code of Conduct for United States Judges, if a litigant with a case pending 23 before a judge responds to an adverse ruling by initiating a complaint against the judge, that 24 1 judge is "not automatically disqualified from participating in other, unrelated cases involving the 2 same litigant, whether they are filed before or after the complaint in which the judge is a 3 defendant." Committee on Codes of Conduct Advisory Opinion No. 103: Disqualification Based 4 on Harassing Claims Against Judge (June 2009).

5 Though Plaintiff has not initiated a lawsuit against Judge Chun, the basis for her recusal 6 motion is that she filed a motion for reassignment against Judge Chun based on a challenge to 7 the "constitutional validity" of his nomination to the federal judiciary. (Dkt. No. 10 at 3.) This 8 is not evidence of bias nor a valid basis for recusal. Furthermore, in relation to her motion for 9 reassignment, Plaintiff fails to present "clear evidence" that Judge Chun's constitutional 10 nomination was irregular.

The Court finds no evidence that would lead a reasonable person to 11 question Judge Chun's impartiality. 12 Accordingly, the Court AFFIRMS Judge Chun's denial (Dkt. No. 13) of Plaintiff's 13 motions for recusal and reassignment (Dkt. Nos. 10, 11). 14 Dated this 1st day of December, 2025. 15 A 16 David G. Estudillo 17 United States District Judge 18 19 20 21 22 23 24