

**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.

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