

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

OPINION

Cook

PER CURIAM.

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

AT TACOMA

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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