

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Kuang-Bao Paul Ou-Young v. Patrick D. Robbins, et al.

Ou-Young · No. 25-cv-08983-CRB · Decided January 14, 2026

SUMMARY

The United States District Court for the Northern District of California denied two identical ex parte motions by pro se plaintiff Kuang-Bao Paul Ou-Young to disqualify the judge under 28 U.S.C. § 455(a). The court held that the plaintiff’s disagreement with a prior judicial ruling did not establish that the Court’s impartiality might reasonably be questioned, noting that judicial rulings alone almost never support recusal.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 14, 2026
DOCKET	25-cv-08983-CRB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed two identical ex parte motions seeking disqualification of the district court under 28 U.S.C. § 455(a).
STANDARD OF REVIEW	Disqualification under 28 U.S.C. § 455(a) is evaluated under an objective standard: whether a reasonable, well-informed, thoughtful person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned.
PRECEDENTIAL VALUE	Nonprecedential district court order; no reporter citation appears in the source.
PARTIES	Kuang-Bao Paul Ou-Young v. Patrick D. Robbins, et al.

TOPICS

- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court's prior judicial ruling concerning judicial immunity created a reasonable basis to question the Court's impartiality under 28 U.S.C. § 455(a).
2. Whether the ex parte motions complied with the requirements of Civil Local Rules 3-14 and 7-10.

HOLDINGS

1. Recusal was not required because no reasonable, well-informed, thoughtful observer with knowledge of the facts would conclude that the Court's impartiality might reasonably be questioned based solely on its prior judicial ruling.
2. The motions did not comply with the cited local-rule requirements because Civil Local Rule 3-14 concerns motions under 28 U.S.C. § 144, and Civil Local Rule 7-10 requires an ex parte motion to cite authority permitting ex parte relief, which the motions did not do.

KEY QUOTATIONS

“Disqualification is appropriate if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.”” (1)

““Accordingly, recusal will be justified either by actual bias or the appearance of bias.”” (1)

““judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”” (2)

“Because Ou-Young has not satisfied the requirements for disqualification under section 455, the motions are DENIED.” (2)

FACTUAL BACKGROUND

Ou-Young sought disqualification based primarily on the Court's 2022 ruling that judges are immune for acts that are judicial in nature and its dismissal of a complaint with leave to amend subject to judicial-immunity principles. He also made arguments concerning Civil Local Rule 5-1(b). The Court determined that its prior judicial ruling did not provide a basis for a reasonable person to question its impartiality.

PROCEDURAL HISTORY

Pro se Plaintiff Kuang-Bao Paul Ou-Young filed two identical ex parte motions to disqualify the Court. The Court denied both motions, concluding that Plaintiff failed to satisfy the requirements for disqualification under 28 U.S.C. § 455.

DISPOSITION

other

CASES CITED

- Yagman v. Republic Ins., 987 F.2d 622, 626 (9th Cir. 1993)
- In re Yagman, 796 F.2d 1165, 1179 (9th Cir. 1986)
- Clemens v. U.S. Dist. Ct. for Cent. Dist. of Cal., 428 F.3d 1175, 1178 (9th Cir. 2005)
- In re Mason, 916 F.2d 384, 385 (7th Cir. 1990)
- Liteky v. United States, 510 U.S. 540, 555 (1994)
- United States v. Johnson, 610 F.3d 1138, 1148 (9th Cir. 2010)

OPINION

Ou-Young

PER CURIAM.

1 2 3 4

5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7 8 KUANG-BAO PAUL OU-YOUNG, Case No. 25-cv-08983-CRB 9 Plaintiff,

ORDER DENYING EX PARTE

10 v.

MOTIONS TO DISQUALIFY

JUDGE

11 PATRICK D. ROBBINS, et al., 12 Defendants. 13 Pro se Plaintiff Kuang-Bao Paul Ou-Young has filed two identical ex parte motions 14 to disqualify the Court. See Ex Parte Mot. 1 (dkt. 13); Ex Parte Mot. 2 (dkt. 14). Ou- 15 Young asserts that he brings the motions under 28 U.S.C. § 455(a), Civil Local Rule 3-14, 16 and Civil Local Rule 7-10. See Ex Parte Mots. 1 and 2 at 1. But Rule 3-14 pertains to 17 motions brought pursuant to 28 U.S.C. § 144, which this was not. And Rule 7-10 provides 18 that a party may only file an ex parte motion if the motion “include[s] a citation to the 19 statute, rule, or order [that] permits the use of an ex parte motion to obtain the relief 20 sought,” which these motions do not do. 21 Turning to the substance of the motions, section 455(a) states that “Any justice, 22 judge, or magistrate judge of the United States shall disqualify himself in any proceeding 23 in which his impartiality might reasonably be questioned.” Disqualification is appropriate 24 if “a reasonable person with knowledge of all the facts would conclude that the judge’s 25 impartiality might reasonably be questioned.” Yagman v. Republic Ins., 987 F.2d 622, 26 626 (9th Cir. 1993) (citing In re Yagman, 796 F.2d 1165, 1179 (9th Cir. 27 1986)). “Accordingly, recusal will be justified either by actual bias or the appearance of 1 ‘reasonable person’ in this context means a ‘well-informed, thoughtful observer,’ as 2 opposed to a ‘hypersensitive or unduly suspicious person.’” Clemens v. U.S. Dist. Ct. for 3 Cent. Dist. of Cal., 428 F.3d 1175, 1178 (9th Cir. 2005) (quoting In re Mason, 916 F.2d 4 384, 385 (7th Cir. 1990)). 5 The motions make two irrelevant arguments about Civil Local Rule 5-1(b), see Ex 6 Parte Mot. 1 at 1–3; Ex Parte Mot. 2 at 1–3, before turning to the basis Ou-Young urges 7 for disqualification, id. at 3. Ou-Young argues that this Court has “unduly prevented [him] 8 from initiating a case” by

ruling in 2022 that judges have immunity for acts that are 9 judicial in nature, and dismissing the complaint with leave to amend so long as amendment 10 took account of judicial immunity. See Ex Parte Mot. 1 Ex. B; Ex Parte Mot. 2 Ex. B.1 11 The Court concludes herein that no “reasonable person with knowledge of all the 12 facts would conclude that” this Court’s “impartiality might reasonably be questioned” 13 based on its holding three years ago that cited Ninth Circuit authority for a well-settled 14 principle of law. Even if this Court had been wrong in that ruling, “judicial rulings alone 15 almost never constitute a valid basis for a bias or partiality motion.” See *Liteky v. United 16 States*, 510 U.S. 540, 555 (1994). “In and of themselves (i.e., apart from surrounding 17 comments or accompanying opinion), they cannot possibly show reliance upon an 18 extrajudicial source; and can only in the rarest circumstances evidence the degree of 19 favoritism or antagonism required . . .when no extrajudicial source is involved.” *Id.*; see 20 also *United States v. Johnson*, 610 F.3d 1138, 1148 (9th Cir. 2010) (“judicial actions . . . 21 will not serve as bases for recusal absent unusual circumstances not present here.”). 22 Because Ou-Young has not satisfied the requirements for disqualification under 23 // 24 // 25 26 27 1 The document is the Order to Clerk Not to File Proposed Amended Complaint and Dismissing Initial Complaint (dkt. 10) in *Ou-Young v. County of Santa Clara, et al.*, Case 1 section 455, the motions are DENIED. : k 2 Dated: January 14 , 2026

CHARLES R. BREYER

3 United States District Judge A 5 6 7 8 9 10 1] 12 13 14 15 16 7 Zz 19 20 21 22 23 24 25 26 27
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