

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

OPINION

Ou-Young

PER CURIAM.

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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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