

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON**

**Ryan Scott Adams v. State of Washington**

Adams · No. 3:25-CV-5659-BHS-DWC · Decided January 14, 2026

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**OPINION**

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF  
WASHINGTON AT TACOMA 9 10 RYAN SCOTT ADAMS, CASE NO. 3:25-CV-5659-BHS-  
DWC 11 Petitioner, v. ORDER DECLINING TO 12 VOLUNTARILY RECUSE STATE OF  
WASHINGTON, 13 Respondent. 14 15 The District Court has referred this action filed under 28  
U.S.C. § 2254 to United States 16 Magistrate Judge David W. Christel.

Petitioner moves for the undersigned to recuse himself from 17 this case. Dkt. 34. After review of  
Petitioner’s Motion (Dkt. 34) and the relevant record, the 18 undersigned declines to recuse  
himself and refers the Motion and this Order to Chief Judge 19 Estudillo pursuant to Local Civil  
Rule (“LCR”) 3(f). 20 I. Discussion 21 Pursuant to Local Civil Rule (“LCR”) 3(f), whenever a  
motion to recuse is filed pursuant 22 to 28 U.S.C. § 144 or 28 U.S.C. § 455, “the challenged judge  
will review the motion papers and 23 decide whether to recuse voluntarily.” 24 1 A judge of the  
United States shall disqualify himself in any proceeding in which his 2 impartiality “might  
reasonably be questioned.” 28 U.S.C. § 455(a).

A federal judge also shall 3 disqualify himself in circumstances where he has a personal bias or  
prejudice concerning a party 4 or personal knowledge of disputed evidentiary facts concerning the  
proceeding. Id. at §455(b)(1). 5 28 U.S.C. § 144 states: 6 Whenever a party to any proceeding in a  
district court makes and files a timely and sufficient affidavit that the judge before whom the  
matter is pending has a personal 7 bias or prejudice either against him or in favor of any adverse  
party, such judge shall proceed no further therein, but another judge shall be assigned to hear such  
8 proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists. 9 28  
U.S.C. § 144. 10 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is  
appropriate 11 if “a reasonable person with knowledge of all the facts would conclude that the  
judge’s 12 impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d  
622, 626 13 (9th Cir.

1993). This is an objective inquiry concerned with whether there is the appearance of 14 bias, not  
whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.1992); 15 *United  
States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980).

In *Liteky v. United States*, 510 U.S. 16 540 (1994), the United States Supreme Court further explained the narrow basis for recusal: 17 [J]udicial rulings alone almost never constitute a valid basis for a bias or partiality 18 motion.... [O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, 19 do not constitute a basis for a bias or partiality motion unless they display a deep seated favoritism or antagonism that would make fair judgment impossible.

Thus, 20 judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias 21 or partiality challenge. 22 510 U.S. at 555. 23 24 1 First, Petitioner requests recusal because the undersigned stated Petitioner could file a 2 motion for reconsideration.

Dkt. 34. Petitioner states this shows the undersigned's predisposition 3 for dismissing this case. *Id.* The Court granted extensions of time for Respondent to answer. 4 Dkts. 15, 31. To ensure Petitioner's case proceeded efficiently, the Court did not wait for a 5 response from Petitioner to grant the motions.

However, the Court informed Petitioner he could 6 move for reconsideration of the Court's decision on the motions for extension, not the case. See 7 Dkts. 15, 31. Thus, the Court's rulings do not show a predisposition for dismissing this case. 8 Second, Petitioner requests recusal because the undersigned has denied his request for 9 discovery and did not rule in Petitioner's favor in a separate case.

Dkt. 34. The undersigned 10 makes rulings in each case based upon the issues presented by the parties or upon sua sponte 11 review by the Court and has no personal bias or reason to be partial to one side or the other in 12 this matter. Further, a habeas petitioner does not enjoy the presumptive entitlement to discovery 13 of a traditional civil litigant. *Bracy v. Gramley*, 520 U.S. 899, 903–05, 117 S.Ct.

1793, 1796–97, 14 138 L.Ed.2d 97 (1997). “Rather, discovery is available only in the discretion of the court and for 15 good cause shown.” *Rich v. Calderon*, 187 F.3d 1064, 1068 (9th Cir. 1999). The Court has not 16 found Petitioner has shown good cause to engage in discovery at this early stage in the case. 17 Petitioner disagrees with the Court's rulings, but Petitioner has not shown a reasonable 18 person could question this Court's impartiality.

Accordingly, the undersigned will not recuse 19 himself voluntarily from this case. 20 II. Conclusion 21 Based on the foregoing reasons, this Court finds there is no reasonable basis for a 22 voluntary recusal in this matter.

Therefore, the undersigned declines to recuse himself 23 24 1 voluntarily. The Clerk is directed to refer Petitioner's Motion (Dkt. 34) to Chief Judge Estudillo 2 in accordance with Local Civil Rule 3(f). 3 To ensure Chief Judge Estudillo has adequate time to consider the Motion, the Court 4

directs the Clerk's Office to re-note the Motion to Compel (Dkt. 20), the Motion for 5 Appointment of Counsel (Dkt.

33), and the Response to the Petition (Dkt. 37) to February 13, 6 2026. The Court will not accept any additional briefing related to the motion to compel and 7 motion for counsel. 8 The Clerk is also directed to send a copy of this Order to Petitioner, to the Honorable 9 David G. Estudillo, and to the Honorable Benjamin H. Settle. 10 Dated this 14th day of January, 2026.

11 A 12 David W. Christel United States Magistrate Judge 13 14 15 16 17 18 19 20 21 22 23 24