

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Chuck Briay Sanders v. Charles Jeff Sifers, Daphne Wheat, Kori
Brewer, Gina Lowe, and Kory Kirkland

Sanders · No. CIV-25-01571-JD · Decided January 28, 2026

SUMMARY

The court grants Plaintiff Chuck Briay Sanders’s motion to recuse and disqualify the assigned judge under 28 U.S.C. § 455(a). Although the court found no actual bias, it concluded that recusal was appropriate to avoid the appearance of impropriety because the judge’s husband was involved in a related state-court proceeding involving the plaintiff, and it directed the Clerk to reassign the case.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 28, 2026
DOCKET	CIV-25-01571-JD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to recuse and disqualify the undersigned judge after the Court ordered him to cure pleading deficiencies in his amended complaint. The Court granted the motion to the extent it sought recusal under 28 U.S.C. § 455(a) and directed reassignment to another district judge.
STANDARD OF REVIEW	Under 28 U.S.C. § 455(a), recusal is required when a judge's impartiality might reasonably be questioned; the relevant inquiry concerns the appearance of bias or prejudice rather than actual bias or prejudice.
PRECEDENTIAL VALUE	Unknown

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circumstances surrounding the undersigned judge's husband's representation of Plaintiff in a related state-court proceeding required recusal under 28 U.S.C. § 455(a).

HOLDINGS

1. Recusal was appropriate because the undersigned judge's husband's representation of Plaintiff in a related and procedurally advanced state-court action created an appearance of impropriety, even though the judge found no actual bias or prejudice.

KEY QUOTATIONS

“Under § 455(a), what “matters is not the reality of bias or prejudice but its appearance.””

FACTUAL BACKGROUND

Plaintiff had a pending state-court action, *Chuck Sanders v. Park Manor Apartments*, in which the undersigned judge's husband served as counsel. That state action was filed nearly eleven months before the federal action, was procedurally more developed, and had dispositive summary-judgment motions pending with a hearing scheduled. The district judge stated that the judge had no actual bias or prejudice but concluded that recusal was appropriate to avoid an appearance of impropriety.

PROCEDURAL HISTORY

After Plaintiff filed this federal action and an amended complaint, the Court ordered him to cure pleading deficiencies. Plaintiff then moved for recusal, asserting that the undersigned judge's husband represented him in a related pending state-court case. The Court took judicial notice of the state-court docket, found that the circumstances created an appearance of impropriety, granted recusal, and ordered the Clerk to reassign the case.

DISPOSITION

other

CASES CITED

- *Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.*, 956 F.3d 1228, 1239 (10th Cir. 2020)
- *Liteky v. United States*, 510 U.S. 540, 548 (1994)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA CHUCK BRIAY SANDERS,)) Plaintiff,)) v.) Case No. CIV-25-01571-JD) CHARLES JEFF SIFERS, District Attorney) for Grady County, Oklahoma, in his Official) Capacity; DAPHNE WHEAT, Assistant) District Attorney for Grady County, Oklahoma,) in her

Official Capacity; KORI BREWER,) Assistant District Attorney for Grady County,) Oklahoma, in her Official Capacity;) GINA LOWE, Magistrate Judge for Grady) County, Oklahoma, in her Official Capacity; and) KORY KIRKLAND, District Judge for Grady) County, Oklahoma, in his Official Capacity,)) Defendants.) ORDER Before the Court is Plaintiff's Motion to Recuse and for Disqualification of Jodi Dishman ("Motion") [Doc.

No. 9]. Plaintiff filed the Motion after the Court ordered Plaintiff to cure pleading deficiencies in his Amended Complaint. See Order [Doc. No. 8]. Plaintiff contends that the undersigned judge should recuse and the case should be reassigned because the undersigned judge's husband has one of Plaintiff's pending state court cases, which Plaintiff asserts is related.

Motion at 1–2. The Court was unaware of Plaintiff's state court proceeding, and Plaintiff does not cite the case number in his Motion. However, upon a search and review of the Oklahoma State Courts Network, and judicial notice of the docket, see *Chuck Sanders v. Park Manor Apartments*, Oklahoma County District Court Case No. CJ-2025-846, the state court proceeding was filed on February 5, 2025, almost 11 months before Plaintiff filed this federal action.

Additionally, the state action is procedurally more developed, with dispositive summary judgment motions pending before the state court and a hearing scheduled for February 13, 2026. Although the Court harbors no actual bias or prejudice toward any party and has no reason to believe that it cannot preside fairly and impartially over this matter, out of an abundance of caution, the undersigned concludes that recusal is appropriate under 28 U.S.C. § 455(a) to avoid any appearance of impropriety.

Under § 455(a), what "matters is not the reality of bias or prejudice but its appearance." *Barnett v. Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.*, 956 F.3d 1228, 1239 (10th Cir. 2020) (quoting *Liteky v. United States*, 510 U.S. 540, 548 (1994)).

Accordingly, the Motion [Doc. No. 9] is GRANTED to that extent. The Clerk of Court is directed to reassign this case to another United States District Judge. IT IS SO ORDERED this 28th day of January 2026. UNITED STATES DISTRICT JUDGE