

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Firsov v. Frontier Airlines, Inc.

Firsov · No. 25-cv-02898-SVK · Decided November 20, 2025

OPINION

Firsov

PER CURIAM.

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2 UNITED STATES DISTRICT COURT

3 NORTHERN DISTRICT OF CALIFORNIA

4 5 SERGEY FIRSOV, Case No. 25-cv-02898-SVK 6 Plaintiff, ORDER ON PLAINTIFF'S
MOTION

TO DISQUALIFY JUDGE

7 v. Re: Dkt. No. 54

8 FRONTIER AIRLINES, INC,

9 Defendant. 10 Before the Court is Plaintiff Sergey Firsov's November 17, 2025 motion to
disqualify the

11 undersigned judge. Dkt 54. The Court's May 28, 2025 and July 28, 2025 orders denying 12
Plaintiff's earlier motions to disqualify summarize key events in earlier stages of this litigation. 13
See Dkt. 13, 27. A sample of case activity since the Court's denial of Plaintiff's most recent 14
previous motion to disqualify includes the following: Plaintiff filed a motion to recover the cost
15 of serving the complaint (Dkt. 28), Plaintiff filed an amended complaint (Dkt. 28), Plaintiff
filed a 16 motion to set aside a settlement of this case (Dkt. 32), Defendant Frontier Airlines
appeared in the case (Dkt. 34), Plaintiff filed a motion to strike Defendant's opposition to his
motion to set aside 17 the settlement (Dkt. 38), and the Parties filed other documents and briefs. In
light of this case 18 activity, on October 21, 2025 the Court issued an order that set deadlines for
various filings and 19 briefs and provided that other than the items specified in the order, "no
Party may file any new 20 briefs or motions without leave of Court until the Court decides the
present motions." Dkt. 39 – 21 the "October 21 Order" (emphasis in original). 22 Following the
October 21 Order, the Parties filed certain documents and briefs as 23 authorized by that order,
including Defendant's response to the amended complaint, which was in 24 the form of a motion
to dismiss, and the Parties' opposition and reply briefs on Plaintiff's motion 25 to recover the cost
of service and his motion to strike Defendant's opposition to his motion to set 26 aside the
settlement. See Dkt. 40, 41, 42, 50. Plaintiff also filed a new motion, which seeks 27 recovery of
the cost of serving the amended complaint, without obtaining prior leave of Court as 1 required in

the October 21 Order. Dkt. 43. On November 3, 2025, the Court issued an order 2 striking the unauthorized new motion to recover costs of service. Dkt. 45 – the “November 3 3 Order.” The November 3 Order also authorized the Parties to file briefs on Defendant’s motion to 4 dismiss the amended complaint on a specified schedule. Id. 5 All briefs authorized by the October 21 Order and the November 3 Order have now been 6 filed. On November 5, 2025, Plaintiff filed a motion for leave to file a second amended 7 complaint. Dkt. 49. The Court struck the motion because it was not authorized under the Court’s 8 October 21 Order. Dkt. 52. Plaintiff has since filed a motion for reconsideration of the order 9 striking his motion (which will be addressed in a separate order) and the present motion to 10 disqualify the undersigned judge. Dkt. 53, 54. Plaintiff now seeks to disqualify the undersigned 11 magistrate judge under 28 USC § 455 based on “violation of FRCP 15(a), Code of Judicial Ethics 12 and bias against Plaintiff.” Dkt. 54 at 1. For the reasons that follow, the motion is DENIED. 13 I. Legal Standard 14 Under 28 U.S.C. § 455, a federal judge must disqualify herself in “any proceeding in 15 which [her] impartiality might reasonably be questioned,” including where “[she] has a personal 16 bias or prejudice concerning a party.” The standard for disqualification is “whether a reasonable 17 person with knowledge of all the facts would conclude that the judge’s impartiality might 18 reasonably be questioned.” *United States v. Holland*, 519 F.3d 909, 913 (9th Cir. 2008). What 19 matters “is not the reality of bias or prejudice but its appearance.” *Liteky v. United States*, 20 510 U.S. 540, 548 (1994). The bias or prejudice that must be shown is not merely a favorable or 21 unfavorable disposition toward a party, but rather a “favorable or unfavorable disposition or 22 opinion that is somehow wrongful or inappropriate, either because it is undeserved, or because it 23 rests upon knowledge that the subject ought not to possess. . . .” Id. at 550 (emphasis in original). 24 For this reason, motions for disqualification are “limited by the ‘extrajudicial source’ factor which 25 generally requires as the basis for recusal something other than rulings, opinions formed or 26 statements made by the judge during the course of trial.” *Holland*, 519 F.3d at 913-14 (quoting 27 1 disqualification, as there is an equally compelling obligation not to recuse where it is not 2 appropriate. Id. at 912 (“We are as bound to recuse ourselves when the law and facts require as 3 || we are to hear cases when there is no reasonable factual basis for recusal.”). 4 II. Analysis 5 The Court’s conduct does not warrant disqualification because it does not meet the 6 || foregoing standards for disqualification. Plaintiff’s motion for disqualification argues that the 7 Court’s order striking his motion for leave to file a second amended complaint violated 8 || Rule 15(a), under which he contends “any party can amend pleading before trial.” Dkt. 54 at 1. 9 Plaintiff misstates the circumstances under with Rule 15(a) permits amendment as of right. 10 || Rule 15(a)(1) permits a party to “amend its pleading once as a matter of course” by certain 11 deadlines. Plaintiff has already filed an amended complaint. Dkt. 31. Accordingly, if Plaintiff 12 || wished to amend his complaint again, he was required to obtain “the opposing party’s written 5 13 consent or the court’s leave.” Dkt. 15(a)(2). What was improper about Plaintiff’s motion seeking 14 || leave to further amend his complaint (Dkt. 49) was that Plaintiff filed it contrary to the Court’s 3 15

October 21 Order, which paused the Parties' ability to file new motions without prior leave of 16 || Court. Plaintiff did not seek or obtain leave of court before filing his motion for leave to amend 3 17 the complaint. 18 District courts have the inherent authority to efficiently manage their dockets and resolve 19 || cases. *Dietz v. Bouldin*, 579 U.S. 40, (2016). This inherent power is "governed not by rule or 20 statute but by the control necessarily vested in courts to manage their own affairs so as to achieve 21 the orderly and expeditious disposition of cases." *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 22 || (1962). The Court's orders to facilitate an orderly and efficient resolution of the many motions in 23 || this case were appropriate and do not demonstrate bias against Plaintiff. Accordingly, Plaintiffs 24 || motion for disqualification does not satisfy the legal standard and is DENIED. 25 SO ORDERED. 26 Dated: November 20, 2025 27 Seas veYurt 28 SUSAN VAN KEULEN United States Magistrate Judge