

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tanbeer Singh Brar v. State of California

Brar · No. 1:25-cv-01046-JLT-CDB · Decided September 18, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Tanbeer Singh Brar’s motion to disqualify the assigned magistrate judge and District Judge Jennifer L. Thurston under 28 U.S.C. § 455. The court held that the motion relied on conclusory allegations and adverse judicial rulings in other cases, which did not establish actual or apparent bias.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 18, 2025
DOCKET	1:25-cv-01046-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 28 U.S.C. § 455 to disqualify the undersigned magistrate judge and the assigned district judge based principally on adverse judicial rulings in this and other matters.
STANDARD OF REVIEW	Under 28 U.S.C. § 455, disqualification is required when a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned; the judge whose impartiality is challenged decides the motion.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Tanbeer Singh Brar v. State of California

TOPICS

- civil procedure
- civil rights

PRACTICE AREAS

- judicial disqualification
- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the alleged adverse judicial rulings and conclusory assertions of bias required disqualification under 28 U.S.C. § 455.
2. Whether the motion was sufficient when it alleged no facts showing personal bias, prejudice, or personal knowledge of disputed evidentiary facts.

HOLDINGS

1. Judicial rulings alone, without supporting facts showing actual or apparent bias, almost never constitute a valid basis for a motion to disqualify a judge.
2. A motion for recusal must be decided by the judge whose impartiality is being questioned.

KEY QUOTATIONS

“The United States Supreme Court has held that “judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”” (Discussion)

“a party challenging a judge for bias needs to show facts, not merely her opinion, to demonstrate the judge’s actual or apparent bias to justify recusal.” (Discussion)

FACTUAL BACKGROUND

Plaintiff alleged that he was falsely arrested on April 22, 2021 and sought to hold California liable for personal injury and civil-rights violations. He sought disqualification based on judicial actions taken by the magistrate judge and assigned district judge in this and two other cases, including dismissals of his prior complaints. The motion did not identify supporting facts showing personal bias, prejudice, or personal knowledge of disputed evidentiary facts.

PROCEDURAL HISTORY

Brar filed a civil-rights action against the State of California concerning an alleged false arrest. While findings and recommendations to dismiss the action as time-barred and barred by the Eleventh Amendment were pending, he moved to disqualify the assigned judicial officers. The court denied the motion.

DISPOSITION

other

CASES CITED

- United States v. Baca, 610 F. Supp. 2d 1203, 1211 (E.D. Cal. 2009)
- United States v. Holland, 519 F.3d 909, 912 (9th Cir. 2008)
- Perry v. Schwarzenegger, 630 F.3d 909, 911 (9th Cir. 2011)
- United States v. Sierra Pac. Indus., 759 F. Supp. 2d 1198, 1205-06 (E.D. Cal. 2010)
- In re Bernard, 31 F.3d 842, 843 (9th Cir. 1994)

- United States v. Studley, 783 F.2d 934, 940 (9th Cir. 1986)
- United States v. Bell, 79 F. Supp. 2d 1169, 1173 (E.D. Cal. 1999)
- Liteky v. United States, 510 U.S. 540, 555 (1994)
- Leslie v. Grupo ICA, 198 F.3d 1152, 1160 (9th Cir. 1999)
- Jensen v. Santa Clara Cnty., 32 Fed. Appx. 203, 206 (9th Cir. 2002)
- Preston v. United States, 923 F.2d 731, 734 (9th Cir. 1991)
- Sadozai v. Carwithen, No. 21-cv-01352 BLF (PR), 2022 WL 6584457, at *1 (N.D. Cal. Sept. 21, 2022)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 TANBEER SINGH BRAR, Case No.: 1:25-cv-01046-JLT-CDB 12 Plaintiff,
ORDER DENYING PLAINTIFF’S MOTION FOR DISQUALIFICATION 13 v. (Doc. 5) 14
STATE OF CALIFORNIA, 15 Defendant. 16 17 Plaintiff Tanbeer Singh Brar (“Plaintiff”),
proceeding pro se and in forma pauperis, seeks 18 to hold the State of California liable for
personal injury and the violation of his civil rights, alleging 19 he was falsely arrested on April 22,
2021.

See generally (Doc. 1). Pending before the Court is 20 Plaintiff’s motion for disqualification of the
undersigned and the assigned District Judge Jennifer 21 L. Thurston brought pursuant to 28 U.S.C.
§ 455, filed on August 28, 2025. (Doc. 5). 22 I. Governing Authority on Disqualification 23 28
U.S.C. § 455, concerning judicial disqualification, provides, in relevant part, as follows: 24 (a)
Any justice, judge, or magistrate judge of the United States shall disqualify himself in any
proceeding in which his impartiality 25 might reasonably be questioned.

26 (b) He shall also disqualify himself in the following circumstances: (1) Where he has a personal
bias or prejudice concerning a party, 27 or personal knowledge of disputed evidentiary facts
concerning the proceeding; ... 1 28 U.S.C. § 455(a), (b)(1). 2 “The purpose of § 455 is ‘to avoid
even the appearance of partiality.’” United States v. Baca, 3 610 F. Supp. 2d 1203, 1211 (E.D.

Cal. 2009) (citation omitted). Although a judge must recuse 4 himself from any proceeding in
which any of the section 455 criteria apply, he or she must not 5 simply recuse out of an
abundance of caution when the facts do not warrant recusal. Instead, there 6 is an equally
compelling obligation not to recuse where recusal is not appropriate. See United 7 States v.
Holland, 519 F.3d 909, 912 (9th Cir.

2008) (“We are as bound to recuse ourselves when 8 the law and facts require as we are to hear
cases when there is no reasonable factual basis for 9 recusal”). The standard for recusal under
section 455 is whether a reasonable person with 10 knowledge of all the facts would conclude that
the judge’s impartiality might reasonably be 11 questioned. Perry v. Schwarzenegger, 630 F.3d
909, 911 (9th Cir.

2011). “The obligation not to 12 recuse is perhaps at its highest when the motion has been brought after the party seeking recusal 13 has sustained an adverse ruling during the action.” *United States v. Sierra Pac. Indus.*, 759 F. Supp. 14 2d 1198, 1205-06 (E.D. Cal. 2010). 15 The decision regarding disqualification is to be made by the judge whose impartiality is at 16 issue.

In *re Bernard*, 31 F.3d 842, 843 (9th Cir. 1994) (holding that a motion for recusal must be 17 decided by the very judge whose impartiality is being questioned); *United States v. Studley*, 783 18 F.2d 934, 940 (9th Cir. 1986) (same). 19 II. Discussion 20 Upon review of Plaintiff’s motion for disqualification, the undersigned finds it to be 21 insufficient. It fails to allege facts that would support the contention that the undersigned has 22 exhibited bias and prejudice directed towards Plaintiff or has personal knowledge of disputed 23 evidentiary facts concerning the proceeding at hand, i.e., on the pending findings and 24 recommendations to dismiss this action as time-barred and barred under the Eleventh Amendment.

25 See (Doc. 3). Plaintiff’s motion appears to allege bias or prejudice arising solely out of judicial 26 actions taken by the undersigned and/or the assigned district judge in other matters before the Court, 27 namely: (1) in Case No. 1:25-cv-00504-JLT-CDB (dismissed complaint with prejudice and without leave to amend on July 11, 2025), and (2) Case No. 1:25-cv-00527-JLT-CDB (dismissed for lack 1 of subject matter jurisdiction and failure to obey a court order and to prosecute on August 8, 2025).

2 Plaintiff’s motion appears to be based on his conclusory assertion, without citing to any authority, 3 that the undersigned and the assigned district judge violated “canon[s] and discretion of the [C]ourt” 4 in dismissing his other cases as set forth above. See *United States v. Bell*, 79 F. Supp. 2d 1169, 5 1173 (E.D. Cal. 1999) (“While a judge’s consideration of a motion for recusal must take all facts 6 provided as true for the purpose of ruling on their legal sufficiency, the court need not accept 7 conclusory speculations that lack any factual support.”).

8 Thus, concerning Section 455, the issues raised by Plaintiff in his motion for 9 disqualification are not proper grounds to disqualify a judge for bias and prejudice. The United 10 States Supreme Court has held that “judicial rulings alone almost never constitute a valid basis for 11 a bias or partiality motion.” *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Rather, judicial 12 rulings are a basis for appeal, not recusal. *Id.*; see *Leslie v. Grupo ICA*, 198 F.3d 1152, 1160 (9th 13 Cir. 1999) (“Leslie’s allegations stem entirely from the district judge’s adverse rulings. That is not 14 an adequate basis for recusal”) (citations omitted). Plaintiff’s assertions here would not cause a 15 reasonable person with knowledge of all the facts to conclude that the impartiality of the 16 undersigned might reasonably be questioned.

Perry, 630 F.3d at 911; *Holland*, 519 F.3d at 912; 17 e.g., *Jensen v. Santa Clara Cnty.*, 32 Fed. Appx. 203, 206 (9th Cir. 2002) (mere allegations of 18 plaintiff seeking damages for injury from

pesticide that trial judge had a pro-pesticide bias was not enough to support judge's recusal where plaintiff's allegation had no support in the record). Stated otherwise, "a party challenging a judge for bias needs to show facts, not merely her opinion, to demonstrate the judge's actual or apparent bias to justify recusal." Jensen, 32 Fed.

Appx. at 206 (citing *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1991)); see, e.g., *Saddozai v. Carwithen*, No. 21-cv-01352 BLF (PR), 2022 WL 6584457, at *1 (N.D. Cal. Sept. 21, 2022) ("Plaintiff's assertions regarding personal bias and prejudice are simply conclusory.

The Court does not have nor has ever expressed any 'discriminatory animus' against Plaintiff based on his poverty, imprisonment, or race, and no improper remarks have ever been made showing lack of impartiality"). And, as noted above, the Court's judicial rulings alone do not constitute a valid 1 | 1583 (9th Cir. 1985) ("Frivolous and improperly based suggestions that a judge recuse should be 2 | firmly declined.").

3 In sum, Plaintiff's motion for disqualification will be denied. 4] IN. Conclusion and Order 5 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's motion for 6 | disqualification (Doc. 5) is DENIED. 7 | IT IS SO ORDERED. | Dated: _ September 17, 2025 | Word bo 9 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28