

**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

OPINION

Brar

PER CURIAM.

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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 in 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

19 enough to support judge's recusal where plaintiff's allegation had no support in the record).
Stated 20 otherwise, "a party challenging a judge for bias needs to show facts, not merely her
opinion, to 21 demonstrate the judge's actual or apparent bias to justify recusal." Jensen, 32 Fed.
Appx. at 206 22 (citing Preston v. United States, 923 F.2d 731, 734 (9th Cir. 1991)); see, e.g.,
Saddozai v. 23 Carwithen, No. 21-cv-01352 BLF (PR), 2022 WL 6584457, at *1 (N.D. Cal. Sept.
21, 2022) 24 ("Plaintiff's assertions regarding personal bias and prejudice are simply conclusory.
The Court does 25 not have nor has ever expressed any 'discriminatory animus' against Plaintiff
based on his poverty, 26 imprisonment, or race, and no improper remarks have ever been made
showing lack of 27 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

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