

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Michael Martin on behalf of M.M. v. SkyWest Airlines

Martin v. SkyWest Airlines · No. 2:25-cv-00764 · Decided December 1, 2025

SUMMARY

The United States District Court for the District of Utah denied Michael Martin’s motion to recuse the assigned magistrate judge under 28 U.S.C. § 455. The court held that Martin identified no factual grounds that would cause an objective observer to question the judge’s impartiality, and explained that the order to show cause regarding his standing did not support recusal.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Daphne A. Oberg
JURISDICTION	United States District Court for the District of Utah
DECIDED	December 1, 2025
DOCKET	2:25-cv-00764
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved to recuse the assigned magistrate judge after the court ordered him to show cause why his action should not be dismissed for lack of standing.
STANDARD OF REVIEW	Under 28 U.S.C. § 455(a), recusal is required when a judge's impartiality might reasonably be questioned, evaluated from the perspective of an objective observer; speculation, conclusory allegations, and adverse rulings ordinarily do not establish a basis for recusal.
PRECEDENTIAL VALUE	unpublished district court memorandum decision and order

TOPICS

- standing
- civil procedure
- constitutional law

PRACTICE AREAS

- civil procedure
- judicial disqualification
- standing
- pro se representation of minors

QUESTIONS PRESENTED

1. Whether the magistrate judge was required to recuse under 28 U.S.C. § 455(a) based on Martin's generalized allegations of constitutional violations, his claimed duty to protect his minor child, and the court's order to show cause regarding standing.
2. Whether a non-attorney parent may pursue claims on behalf of a minor child without being represented by counsel.

HOLDINGS

1. Recusal was not required because Martin identified no factual grounds that would cause an objective observer reasonably to question the magistrate judge's impartiality.
2. A non-attorney parent may not bring claims on behalf of a minor child without being represented by an attorney.

KEY QUOTATIONS

“A judge has a “continuing duty to recuse” if she “concludes that sufficient factual grounds exist to cause an objective observer reasonably to question the judge’s impartiality.””

“But “[r]umor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual matters” are “not ordinarily sufficient to require [§] 455(a) recusal.””

“Further, “rulings alone almost never constitute a valid basis for a bias or partiality motion.””

“A litigant may bring his own claims to federal court without counsel, but not the claims of others.”

FACTUAL BACKGROUND

Martin brought the action on behalf of his minor child, M.M., while proceeding without an attorney. The court questioned whether Martin had standing because he asserted no claims of his own and could not represent his child's claims without counsel. After the court issued an order to show cause addressing those issues, Martin moved to recuse the magistrate judge based on generalized assertions of First Amendment and other constitutional violations and his claimed duty to protect M.M.'s best interests.

PROCEDURAL HISTORY

Michael Martin filed suit against SkyWest Airlines on behalf of his minor child without counsel. The court issued an order to show cause concerning standing because Martin asserted no claims of his own and, as a non-attorney, could not pursue claims for his minor child. Martin then moved for recusal, alleging generally that constitutional violations had occurred and that he had a duty to protect the child's interests. The court denied the motion.

DISPOSITION

other

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- United States v. Cooley, 1 F.3d 985, 992 (10th Cir. 1993)
- Nichols v. Alley, 71 F.3d 347, 351 (10th Cir. 1995)
- United States v. Walker, 838 F. App'x 333, 337 (10th Cir. 2020) (unpublished)
- Liteky v. United States, 510 U.S. 540, 555 (1994)
- Fymbo v. State Farm Fire & Cas. Co., 213 F.3d 1320, 1321 (10th Cir. 2000)
- Meeker v. Kercher, 782 F.2d 153, 154 (10th Cir. 1986)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION
MICHAEL MARTIN on behalf of M.M., MEMORANDUM DECISION AND ORDER DENING
MOTION FOR Plaintiff, RECUSAL (DOC. NO. 12) v. Case No. 2:25-cv-00764 SKYWEST
AIRLINES, District Judge Howard C. Nielson, Jr. Defendant. Magistrate Judge Daphne A. Oberg
Proceeding without an attorney, Michael Martin brought this case against SkyWest Airlines on
behalf of his minor child, M.M.¹ After being ordered to show cause why this case should not be
dismissed for lack of standing,² Mr. Martin filed a motion asking the undersigned to recuse from
the case.³ He generally argues there have been First Amendment violations, although it is unclear
by whom.

He also contends he has a “duty to protect the best interest of a person”—presumably, M.M.⁴ 1
(Compl., Doc. No. 1.) ² (See Order to Show Cause Why This Action Should Not Be Dismissed for
Lack of Standing 1, Doc. No. 8 (explaining Mr. Martin asserts no claims of his own and lacks
standing to pursue claims on behalf of his minor child without an attorney).) ³ (Mot. for Recusal
(Mot.), Doc.

No. 12.) ⁴ (Id. at 1–2.) Mr. Martin identifies no statutory or legal authority in his motion.
Construing Mr. Martin’s motion liberally,⁵ he may be seeking disqualification under 28 U.S.C. §
455. Section 455 requires any “justice, judge, or magistrate judge of the United States” to
disqualify herself if certain circumstances exist, most notably, “in any proceeding in which [her]
impartiality might reasonably be questioned.”⁶ A judge has a “continuing duty to recuse” if she
“concludes that sufficient factual grounds exist to cause an objective observer reasonably to
question the judge’s impartiality.”⁷ But “[r]umor, speculation, beliefs, conclusions, innuendo,
suspicion, opinion, and similar non-factual matters” are “not ordinarily sufficient to require [§]
455(a) recusal.”⁸ Further, “rulings alone almost never constitute a valid basis for a bias or
partiality motion.”⁹ Mr. Martin has not shown a basis for disqualification.

He identifies no factual matters supporting disqualification or requiring recusal. He merely states
he has a duty to protect his child’s best interest and generally claims there have been constitutional
violations (without further explanation).

As noted in the order to show cause, Mr. Martin cannot, as a non-attorney, bring claims on behalf of a minor child without an attorney.¹⁰ 5 Because Mr. Martin proceeds pro se, his filings are liberally construed and held “to a less stringent standard than formal pleadings drafted by lawyers.” *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). 6 28 U.S.C. § 455(a).

7 *United States v. Cooley*, 1 F.3d 985, 992 (10th Cir. 1993). 8 *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995) (citation omitted). 9 *United States v. Walker*, 838 F. App’x 333, 337 (10th Cir. 2020) (unpublished) (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)). 10 See *Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) (“A litigant may bring his own claims to federal court without counsel, but not the claims of The order to show cause why this case should not be dismissed on these grounds does not provide a valid basis to question the court’s impartiality.

In other words, Mr. Martin has not shown any factual grounds exist to cause an objective observer to reasonably question the undersigned’s impartiality. He fails to demonstrate grounds for recusal. Accordingly, Mr. Martin’s motion” is denied. DATED this 1st day of December, 2025. BY THE COURT: atieyee United States Magistrate Judge others.”); *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir.

1986) (“[U]nder Fed. R. Civ. P. 17(c) and 28 U.S.C. § 1654, a minor child cannot bring suit through a parent acting as next friend if the parent is not represented by an attorney.”). 11 (Doc. No. 12.)