

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Linda Cook v. Ben Hossienzadeh et al.

Cook · No. 2:25-cv-02013-JHC · Decided November 24, 2025

SUMMARY

The court denies Linda Cook’s motions to recuse the undersigned judge and reassign the case. The court finds no cognizable basis for recusal or reassignment based on the plaintiff’s challenge to the judge’s nomination under the Appointments Clause, and directs the Clerk to refer the motions to Chief Judge David Estudillo for further review.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	John H. Chun
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	November 24, 2025
DOCKET	2:25-cv-02013-JHC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to recuse the assigned judge and for reassignment of the case based on an alleged violation of the Appointments Clause.
STANDARD OF REVIEW	The court considered whether the motion papers presented a legally cognizable basis for recusal under 28 U.S.C. §§ 144 and 455 and whether clear evidence supported reassignment on constitutional grounds.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Linda Cook v. Ben Hossienzadeh et al.

TOPICS

- civil procedure
- constitutional law
- separation of powers

PRACTICE AREAS

- Civil procedure
- Federal courts
- Judicial disqualification
- Constitutional law

QUESTIONS PRESENTED

1. Whether the assigned judge was required to recuse under 28 U.S.C. §§ 144 or 455 based on the plaintiff's challenge to the judge's nomination and other alleged grounds.
2. Whether the plaintiff was entitled to case reassignment or a preliminary adjudication of the constitutional propriety of the judge's nomination.

HOLDINGS

1. Recusal was not warranted because the plaintiff presented no facts that would cause a reasonable person to question the judge's impartiality and identified no cognizable statutory basis for disqualification.
2. The plaintiff was not entitled to reassignment or to an adjudication of the constitutional propriety of the judge's nomination before the court ruled on her claims because she failed to present clear evidence that the nomination was irregular.

KEY QUOTATIONS

“Whenever a motion to recuse directed at a judge of this court is filed pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the motion papers and decide whether to recuse voluntarily.”
(at 1)

“But a judge is not disqualified by a “prior adverse ruling” in the case, “a litigant’s suit or threatened suit against [the judge],” “a litigant’s intemperate and scurrilous attacks [against the judge],” or any other factors that do not speak to the issue of the judge’s impartiality.” (at 1)

FACTUAL BACKGROUND

Plaintiff alleged that the assigned judge's nomination to the federal judiciary violated the Appointments Clause. She did not allege facts indicating that the judge had a personal bias, financial interest, or other circumstance causing his impartiality reasonably to be questioned. The court found no clear evidence that the judge's nomination was constitutionally irregular.

PROCEDURAL HISTORY

The plaintiff filed a motion to recuse and a motion for case reassignment. The assigned judge reviewed the motions under the applicable local rule, declined to voluntarily recuse, denied both motions, and directed the Clerk to refer them to Chief Judge David Estudillo for further review.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was directed to refer the motions to Chief Judge David Estudillo for further review under LCR 3(f).

CASES CITED

- United States v. Studley, 783 F.2d 934, 939-40 (9th Cir.)

OPINION

Cook

PER CURIAM.

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UNITED STATES DISTRICT COURT

6 WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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LINDA COOK, CASE NO. 2:25-cv-02013-JHC

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ORDER

9 Plaintiff, 10 v. 11

BEN HOSSIENZADEH ET AL.,

12 Defendants. 13

14 This matter comes before the Court on pro se Plaintiff's Motion to Recuse (Dkt. # 11) 15 and Motion for Case Reassignment (Dkt. # 12). The Court has reviewed the motions, the record, 16 and the governing law. Being fully advised, the Court DENIES the motions and DIRECTS the 17 Clerk to refer the motions to Chief Judge David Estudillo for further review. 18 Under the local rules, "[w]henever a motion to recuse directed at a judge of this court is 19 filed pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the 20 motion papers and decide whether to recuse voluntarily." LCR 3(f). "If the challenged judge 21 decides not to voluntarily recuse, he or she will direct the clerk to refer the motion to the chief 22 judge." Id. 23 24 1 A judge of the United States must recuse from any proceeding in which their 2 "impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges must also 3 disqualify themselves when they have "a financial interest in the subject matter in controversy or 4 in a party to the proceeding, or any other interest that could be substantially affected by the 5 outcome of the proceeding." Id. § 455(b)(4). But a judge is not disqualified by a "prior adverse 6 ruling" in the case, "a litigant's suit or threatened suit against [the judge]," "a litigant's 7 intemperate and scurrilous attacks [against the judge]," or any other factors that do not speak to 8 the issue of the judge's impartiality. See *United States v. Studley*, 783 F.2d 934, 939-40 (9th Cir. 9 1986) (collecting cases). 10 Here, Plaintiff has presented no cognizable legal basis for recusal or reassignment. 11 Plaintiff says that she is entitled to recusal, disqualification, and/or reassignment of her case 12 because the undersigned judge's nomination to the federal judiciary violated the Appointments 13 Clause of the U.S. Constitution. See generally Dkt. ## 11; 12. But Plaintiff alleges no facts that 14 would allow a reasonable person to question the undersigned judge's impartiality. As the 15 undersigned makes rulings in each case based on the issues presented by the

parties or on sua 16 sponte review and has no personal bias or reason to be partial to one side or the other in this 17 matter, he declines to voluntarily recuse himself from this case. The Court also finds that 18 Plaintiff has failed to present “clear evidence” that the undersigned judge’s constitutional 19 nomination was irregular. In the absence of such evidence, the Court concludes that Plaintiff is 20 not entitled to case reassignment on jurisdictional grounds nor an adjudication of the 21 constitutional propriety of the undersigned judge’s nomination prior to the Court ruling on her 22 claims. 23 Accordingly, the Court DENIES Plaintiff’s motions at Dkt. # 11 and # 12 and DIRECTS 24 the Clerk to refer this matter to Chief Judge David Estudillo for further review. 1 Dated this 24th day of November, 2025. CJok~ Chur 3 John H. Chun United States District Judge 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24