

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

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