

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

King v. Cornerstone

No. 2:24-cv-01693 (W.D. Pa. Jan. 22, 2026) · No. 2:24-cv-01693; MDL Master Docket Misc. No. 21-1230;
MDL No. 3014 · Decided January 22, 2026

SUMMARY

The court denied pro se plaintiff Derrick Martin King’s motion for recusal in litigation arising from the Philips recalled CPAP, Bi-Level PAP, and mechanical ventilator products multidistrict litigation. The court held that King identified no extrajudicial source of bias, challenged only judicial rulings, and filed the motion untimely after being ordered to show cause why his claims should not be dismissed for failure to comply with discovery obligations. The court reserved further consideration of the show-cause issue pending Philips’s anticipated motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Joy Flowers Conti
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 22, 2026
DOCKET	2:24-cv-01693; MDL Master Docket Misc. No. 21-1230; MDL No. 3014
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved for recusal under 28 U.S.C. §§ 144 and 455(a) after the court ordered him to cure deficiencies in his compliance with the MDL Docket Management Order or show cause why his case should not be dismissed with prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 455(a), the question is whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned. Recusal under § 144 likewise requires a timely and sufficient showing of personal bias or prejudice.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

PARTIES

Derrick Martin King v. Philips RS North America LLC, Philips RS North America Holding Corp., other defendants

TOPICS

civil procedure appellate procedure appellate jurisdiction preservation of error

PRACTICE AREAS

civil procedure appellate procedure judicial disqualification

QUESTIONS PRESENTED

1. Whether the district judge was required to recuse under 28 U.S.C. §§ 144 or 455(a) based on King's allegations concerning the court's discovery, evidentiary, and remand-related rulings.
2. Whether King's recusal request was untimely because he waited until after the court issued a show-cause order threatening dismissal.
3. Whether a judge's rulings and conduct during the official proceedings constituted an extrajudicial source of bias requiring recusal.

HOLDINGS

1. Recusal was not required because King did not identify an extrajudicial source of bias or facts from which a reasonable person with knowledge of the circumstances would question the court's impartiality.
2. The recusal motion was untimely because King waited until after the show-cause order, despite knowing of the challenged rulings months earlier and seeking other relief from the court in the interim.

KEY QUOTATIONS

"The test for recusal under § 455(a) is whether a reasonable person, with knowledge of all the facts, would conclude that the judge's impartiality might reasonably be questioned." (Discussion)

"In this case, King does not point to any extrajudicial source of bias or prejudice." (Discussion)

"In sum, a reasonable person with knowledge of all the facts would not question this court's impartiality. King's request for recusal will be denied." (Conclusion)

FACTUAL BACKGROUND

King filed suit concerning injuries allegedly related to recalled Philips CPAP and related products. After removal and transfer to the Philips MDL, he did not participate in the personal-injury settlement and therefore was subject to the MDL Docket Management Order's obligations for litigating plaintiffs, including disclosures, medical records, proof of injury, preservation notices, and an expert report. King failed to provide the required materials and, in response to a show-cause order, asserted that the judge should recuse based on adverse discovery and remand-related rulings and alleged collusion with counsel.

PROCEDURAL HISTORY

King initially filed a related action in Ohio state court that was removed to the Northern District of Ohio and transferred to the Philips MDL in the Western District of Pennsylvania. He voluntarily dismissed that action and later filed this second action, which was also removed, transferred to the MDL, and assigned Civil No. 24-1693. The district court denied remand, and the Third Circuit dismissed King's appeal for lack of jurisdiction. After King failed to comply with MDL discovery and case-management obligations, the court issued a show-cause order. King responded in part with a request for recusal, which the court denied.

DISPOSITION

other

CASES CITED

- *Venen v. Sweet*, 758 F.2d 117, 121 (3d Cir. 1985)
- *United States v. Nobel*, 696 F.2d 231, 235 n.7 (3d Cir. 1982)
- *In re Kensington Int'l Ltd.*, 368 F.3d 289, 301 (3d Cir. 2004)
- *In re Prudential Ins. Co. of Am. Sales Practice Litig., Agent Actions*, 148 F.3d 283, 343 (3d Cir. 1998)
- *Dean v. Philadelphia Gas Works*, No. CV 19-04266, 2020 WL 7695751, at *6 (E.D. Pa. Dec. 28, 2020)
- *Massachusetts Sch. of L. at Andover, Inc. v. Am. Bar Ass'n*, 872 F. Supp. 1346, 1349 (E.D. Pa. 1994)
- *Hardy v. Shaikh*, 2021 WL 5937664, at *2 (M.D. Pa. Dec. 16, 2021)
- *Conklin v. Warrington Twp.*, 476 F. Supp. 2d 458, 462-64 (M.D. Pa. 2007)
- *Liteky v. United States*, 510 U.S. 540, 554 (1994)
- *Selkridge v. United of Omaha Life Ins. Co.*, 360 F.3d 155, 167 (3d Cir. 2004)
- *Johnson v. Trueblood*, 629 F.2d 287, 291 (3d Cir. 1980)
- *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966)
- *United States v. Gilboy*, 162 F. Supp. 384, 393-94 (M.D. Pa. 1958)
- *United States v. Wecht*, No. CR 06-0026, 2006 WL 8449278, at *27 (W.D. Pa. July 20, 2006)
- *Smith v. Danyo*, 585 F.2d 83, 86 (3d Cir. 1978)
- *United States v. Roebuck*, 271 F. Supp. 2d 712 (D.V.I. 2003)
- *United States v. Morgan*, 313 U.S. 409, 422 (1941)
- *Fayerweather v. Ritch*, 195 U.S. 276, 306-07 (1904)
- *Grant v. Shalala*, 989 F.2d 1332, 1344-45 (3d Cir. 1993)
- *United States v. Cross*, 516 F. Supp. 700, 707 (M.D. Ga. 1981), *aff'd*, 742 F.2d 1279 (11th Cir. 1984)
- *Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000)
- *In re School Asbestos Litigation*, 977 F.2d 764, 782 (3d Cir. 1992)