

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Richey v. ABM Education Services, LLC and Superintendent Mid-Del Public Schools

Richey · No. CIV-25-189-G · Decided March 3, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma denied Jennifer Richey’s motion seeking recusal of the undersigned judge under 28 U.S.C. § 455(a). The court held that prior adverse rulings, alleged delays or omissions, and Plaintiff’s stated beliefs did not provide a reasonable factual basis for an objective person to question the judge’s impartiality.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Vaal B. Kodo
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 3, 2026
DOCKET	CIV-25-189-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for recusal of the presiding district judge under 28 U.S.C. § 455(a), alleging a conflict of interest, unfair treatment, an adverse ruling in a prior action, and delays or omissions in the present action.
STANDARD OF REVIEW	Objective reasonable-person standard under 28 U.S.C. § 455(a): whether a reasonable person knowing all relevant facts would harbor doubts about the judge's impartiality.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

TOPICS

- civil procedure
- employment discrimination
- motions to dismiss

PRACTICE AREAS

- civil procedure
- civil rights
- employment law

QUESTIONS PRESENTED

1. Whether the judge's prior dismissal of Plaintiff's substantially related employment-discrimination action required recusal under 28 U.S.C. § 455(a).
2. Whether the judge's alleged delays, omissions, or failure to rule on pending motions required recusal under § 455(a).

HOLDINGS

1. Prior rulings adverse to a litigant, standing alone, do not establish a reasonable factual basis for questioning a judge's impartiality and do not require recusal under 28 U.S.C. § 455(a).
2. Delays or omissions by a judge, including failure to rule on pending motions or address submissions, do not by themselves constitute grounds for disqualification under § 455(a).

KEY QUOTATIONS

“The test . . . is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge’s impartiality.”

“A recusal motion is not a proper “avenue to attack adverse rulings” made against a litigant.”

“Taken singly or together, Plaintiff’s grounds for recusal do not establish a reasonable factual basis for an objective person to reasonably doubt or question the impartiality of the undersigned.”

FACTUAL BACKGROUND

Plaintiff had previously sued the same defendants for employment discrimination, but the district court dismissed that action without prejudice after she failed to serve the defendants, and the Tenth Circuit affirmed. Plaintiff filed the present employment-discrimination action against the same defendants and moved to recuse the judge based on the prior dismissal, alleged unfair treatment, and the court's failure to rule on pending motions and other submissions.

PROCEDURAL HISTORY

Plaintiff previously filed an employment-discrimination action against the same defendants, which the court dismissed without prejudice under Federal Rule of Civil Procedure 4(m) for failure to effect service. The Tenth Circuit affirmed that dismissal. Plaintiff then filed this action, and after defendants filed motions to dismiss, she moved for recusal. The district court denied the recusal motion.

DISPOSITION

other

CASES CITED

- Richey v. Am. Bldg. Maintenance, No. CIV-23-915-G, 2024 WL 3273276, at *1-2 (W.D. Okla. May 30, 2024)

- Richey v. Am. Bldg. Maintenance, No. 24-6127, 2025 WL 304293, at *2 (10th Cir. Jan. 27, 2025)
- United States v. Cooley, 1 F.3d 985, 992-94 (10th Cir.)
- Glass v. Pfeffer, 849 F.2d 1261, 1228 (10th Cir.)
- Aspinall v. United States, 984 F.2d 355, 357 (10th Cir.)

OPINION

Richey

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

JENNIFER RICHEY,)

) Plaintiff,)) v.) Case No. CIV-25-189-G)

ABM EDUCATION SERVICES, LLC,)

and SUPERINTENDENT MID-DEL)

PUBLIC SCHOOLS,)

) Defendants.)

ORDER

Now before the Court is Plaintiff Jennifer Richey’s Motion for Recusal (Doc. No. 39), seeking the undersigned’s recusal in this action. Plaintiff alleges that the undersigned has a conflict of interest and has engaged in unfair treatment in Plaintiff’s cases. See *id.* I. Background In October of 2023, Plaintiff filed an employment-discrimination complaint against the same two defendants named herein. After Plaintiff failed to effect service upon the defendants, the undersigned dismissed the matter without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. See *Richey v. Am. Bldg. Maintenance*, No. CIV- 23-915-G, 2024 WL 3273276, at *1-2 (W.D. Okla. May 30, 2024). Plaintiff appealed, and the Tenth Circuit Court of Appeals affirmed, finding that the Court did not abuse its discretion in dismissing the case. See *Richey v. Am. Bldg. Maintenance*, No. 24-6127, 2025 WL 304293, at *2 (10th Cir. Jan. 27, 2025) (“Richey did not show good cause for her failure to timely serve the defendants.”). On February 12, 2025, Plaintiff filed the instant action, again bringing her employment-discrimination claims against the two defendants. See Compl. (Doc. No. 1); see also Doc. No. 35. Both defendants have filed Motions to Dismiss (Doc. Nos. 10, 19). II. Plaintiff’s Motion for Recusal “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). Accordingly, “a judge has a continuing duty to recuse before, during, or, in some circumstances, after a proceeding, if the judge concludes that sufficient factual grounds exist to cause an objective observer reasonably to question the judge’s impartiality.” *United States v. Cooley*, 1 F.3d 985, 992 (10th Cir. 1993). “The test . . . is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge’s impartiality.” *Id.* at 993 (internal quotation marks omitted). “The standard is purely objective.” *Id.*

Matters that “will not ordinarily satisfy the requirements for disqualification under § 455(a)” include “[r]umor, speculation, beliefs, conclusions, innuendo, suspicion, opinion, and similar non-factual matters,” and “prior rulings in the proceeding, or another proceeding, solely because they were adverse.” *Id.* at 993-94. Liberally construing Plaintiff’s Motion and related submissions, Plaintiff argues that recusal is required due to the undersigned’s dismissal of her prior lawsuit despite Plaintiff having been in the right. But § 455(a) “is not intended to give litigants a veto power over sitting judges, or a vehicle for obtaining a judge of their choice,” and “must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice.” *Id.* at 993 (internal quotation marks omitted). A recusal motion is not a proper “avenue to attack adverse rulings” made against a litigant. *Glass v. Pfeffer*, 849 F.2d 1261, 1228 (10th Cir. 1988); accord *Cooley*, 1 F.3d at 994. Plaintiff also appears to argue that recusal is proper because the Court has not ruled on the pending Motions to Dismiss or addressed certain other submissions. It is well established, however, that “[d]elays or omissions by a judge . . . are not grounds for disqualification.” *Aspinall v. United States*, 984 F.2d 355, 357 (10th Cir. 1993). Taken singly or together, Plaintiff’s grounds for recusal do not establish a reasonable factual basis for an objective person to reasonably doubt or question the impartiality of the undersigned. Cf *Cooley*, 1 F.3d at 994 (“[T]here is as much obligation for a judge not to recuse when there is no occasion for him to do so as there is for him to do so when there is.” (internal quotation marks omitted)).

CONCLUSION

Accordingly, Plaintiff’s Motion for Recusal (Doc. No. 39) is DENIED. IT IS SO ORDERED this 3rd day of March, 2026. (Vaal B. Kodo United States District Judge