

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Janella Smart v. The Professional Group

Smart · No. 25-11833 · Decided January 9, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denied Janella Smart’s motion seeking recusal of District Judge F. Kay Behm. The court held that the motion did not satisfy the procedural requirements of 28 U.S.C. § 144 and did not establish grounds for recusal under either § 144 or § 455, including personal or extrajudicial bias.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 9, 2026
DOCKET	25-11833
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for recusal of the district judge under 28 U.S.C. §§ 144 and 455 based on alleged delay in ruling on objections, insufficient oversight of the magistrate judge, and the inconvenience of the courthouse location. The court denied the motion as to the district judge.
STANDARD OF REVIEW	Recusal is evaluated under an objective standard: whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned. Judicial rulings ordinarily do not establish bias absent pervasive bias demonstrating an inability to act impartially.
PRECEDENTIAL VALUE	Unknown; unpublished district court order.
PARTIES	Janella Smart v. The Professional Group

TOPICS

- civil procedure
- ada / disability

PRACTICE AREAS

civil procedure

recusal and judicial disqualification

civil rights

disability discrimination

QUESTIONS PRESENTED

1. Whether the district judge was required to recuse under 28 U.S.C. § 455 because the judge's impartiality might reasonably be questioned.
2. Whether Smart satisfied the procedural and substantive requirements for recusal under 28 U.S.C. § 144.
3. Whether the pendency of objections, alleged lack of judicial oversight, or courthouse-location inconvenience established personal or pervasive judicial bias.

HOLDINGS

1. Recusal was not required under § 455 because Smart did not allege facts that would cause a reasonable person with knowledge of all the facts to question the judge's impartiality.
2. Smart was not entitled to further consideration under § 144 because she did not submit the required affidavit alleging personal bias or prejudice and did not file the required certificate of good faith.
3. A party's disagreement with, or delay in receiving, judicial rulings and alleged inconvenience associated with the courthouse location do not, without more, establish a basis for recusal.

KEY QUOTATIONS

“Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”

“Rather than a subjective determination of bias, the statute “imposes an objective standard: a judge must disqualify himself where a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.””

“Most importantly, Plaintiff’s motion has not alleged, much less supported with sworn testimony, any claim of an extra-judicial source of personal bias on the part of the undersigned.”

FACTUAL BACKGROUND

Smart's objections to magistrate-judge rulings were filed on November 6, 2025, while the district judge was handling a seven-week civil trial. Smart argued that the failure to rule promptly on those objections and the judge's alleged lack of meaningful oversight created an appearance of bias. She also asserted that the Flint courthouse was inaccessible and inconvenient because of her limited resources and the ADA-related nature of the case. She did not submit an affidavit or certificate of good faith and did not identify an extrajudicial source of personal bias.

PROCEDURAL HISTORY

Janella Smart filed the action against The Professional Group on June 18, 2025. The matter was referred to Magistrate Judge Anthony P. Patti for pretrial proceedings. Smart later filed a motion seeking recusal of both the

district judge and the magistrate judge; this order addressed only recusal of District Judge F. Kay Behm and denied that request.

DISPOSITION

other

CASES CITED

- Weatherspoon v. J. Thibault, 2017 WL 1487685, at *1 (W.D. Mich. Apr. 26, 2017)
- Youn v. Track, Inc., 324 F.3d 409, 422-23 (6th Cir. 2003)
- Liteky v. United States, 510 U.S. 540, 544, 547-48, 555 (1994)
- Gen. Aviation, Inc. v. Cessna Aircraft Co., 915 F.2d 1038, 1043 (6th Cir. 1990)
- Burley v. Gagacki, 834 F.3d 606, 616 (6th Cir. 2016)
- United States v. Adams, 722 F.3d 788, 837 (6th Cir. 2013)
- Taylor Acquisitions, LLC v. City of Taylor, 313 F. App'x 826, 838 (6th Cir. 2009)
- Lilley v. BTM Corp., 958 F.2d 746, 753 (6th Cir. 1992)
- Laird v. Tatum, 409 U.S. 824, 837 (1972)
- United States v. Grinnell Corp., 384 U.S. 563, 583 (1966)
- United States v. Sammons, 918 F.2d 592 (6th Cir. 1990)
- Scott v. Metropolitan Health Corp., 234 F. App'x 341, 353 (6th Cir. 2007)
- Hirschkop v. Virginia State Bar Ass'n, 406 F. Supp. 721, 724 (E.D. Va. 1975)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION JANELLA SMART, Case No. 25-11833 Plaintiff, Hon. F. Kay Behm v. United States District Judge THE PROFESSIONAL GROUP, Anthony P. Patti United States Magistrate Judge Defendant. _____ / ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL (ECF No. 47) Plaintiff filed this complaint against The Professional Group (TPG) on June 18, 2025.

(ECF No. 1). This matter is referred to Magistrate Judge Anthony P. Patti for all pretrial proceedings. (ECF No. 9). Plaintiff filed a motion asking that both the undersigned and Judge Patti recuse from these proceedings. (ECF No. 47).

The court will address the motion on behalf of the undersigned only. For the reasons set forth below, Plaintiff's motion is DENIED. Plaintiff accuses the undersigned of having failed to resolve pending objections and not exercising "meaningful oversight" of the Magistrate Judge's rulings. (ECF No. 47). Plaintiff also notes that the undersigned's location in Flint is "far away and inaccessible" for an ADA disability related case.

Plaintiff says that she has limited resources, and the distance materially restricts her access to in person hearings, resulting in an imbalance that contributes to the “overall appearance of discouraging the Plaintiff from litigation.” (ECF No. 47).

Under 28 U.S.C. § 455(a), “[a]ny justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” The provision requires a judge to sua sponte recuse himself if the judge knows of facts that would undermine the appearance of impartiality. *Weatherspoon v. J. Thibault*, 2017 WL 1487685, at *1 (W.D.

Mich. Apr. 26, 2017) (citing *Youn v. Track, Inc.*, 324 F.3d 409, 422-23 (6th Cir. 2003); *Liteky v. United States*, 510 U.S. 540, 547-48 (1994)). Additionally, 28 U.S.C. § 144 requires that [w]henver a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

An affidavit filed under § 144 must “allege[] facts which a reasonable person would believe would indicate a judge has a personal bias against the moving party.” *Gen. Aviation, Inc. v. Cessna Aircraft, Co.*, 915 F.2d 1038, 1043 (6th Cir. 1990). Rather than a subjective determination of bias, the statute “imposes an objective standard: a judge must disqualify himself where a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *Burley v. Gagacki*, 834 F.3d 606, 616 (6th Cir.

2016) (quoting *United States v. Adams*, 722 F.3d 788, 837 (6th Cir. 2013) (internal quotation marks omitted)). Courts have observed that the roots of a judge’s bias are not limited to a singular source. “A judge’s prejudice or bias may stem from either personal or extrajudicial sources, or arise during the course of current or prior proceedings.” *Burley*, 834 F.3d at 616 (citing *Liteky*, 510 U.S. at 555).

However, the Sixth Circuit has repeatedly held that it “will not ascribe bias to a district judge in the absence of evidence that he has abandoned his role as an impartial arbiter.” *Taylor Acquisitions, LLC v. City of Taylor*, 313 Fed. Appx. 826, 838 (6th Cir. 2009) (quoting *Lilley v. BTM Corp.*, 958 F.2d 746, 753 (6th Cir. 1992)).

Moreover, “a federal judge has a duty to sit where not disqualified, which is equally as strong as the duty to not sit where disqualified.” *Laird v. Tatum*, 409 U.S. 824, 837 (1972) (separate memorandum of Rehnquist, J) (emphasis in original) (collecting cases). Further, most commonly, judicial bias must be predicated on “a personal bias as distinguished from a judicial one, arising out of the judge’s background and association and not from the judge’s view of the law.” *Id.* As observed by the Supreme Court in *Liteky*, “rulings alone almost never constitute a valid basis for a

bias or partiality motion.” 510 U.S. at 544 (citing *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966)).

For a judge’s rulings to provide grounds for recusal, they must demonstrate bias so pervasive that they display a favorable or unfavorable predisposition arising from “facts adduced or the events occurring at trial,” which is so extreme that it appears to render the judge unable to make a fair judgment. *Id.* Though not cited by her, to the extent Plaintiff may have been seeking recusal under 28 U.S.C. § 144, she has not met the statutory requirements necessary to justify further consideration under that statute.

Specifically, Plaintiff has neither submitted an affidavit in support of her motion, nor filed a certificate of good faith as required under the express language of § 144. See *United States v. Sammons*, 918 F. 2d 592 (6th Cir. 1990) (Defendant denied recusal where he never filed required affidavit alleging personal bias or prejudice); *Scott v. Metropolitan Health Corp.* 234 Fed.

Appx. 341, 353 (6th Cir. 2007) (“The requirements of § 144 are strictly construed to prevent abuse because the statute is so heavily weighted in favor of recusal.”) (citation omitted); and *Hirschkop v. Virginia State Bar Ass’n*, 406 F.Supp.721, 724 (E.D. Va. 1975) (Indicating that a pro se party must still meet the certification requirement: “[t]hough plaintiff is, himself, counsel of record, nevertheless no such certification was made by plaintiff in either capacity.”).

Thus, Plaintiff’s motion fails for these reasons alone. More important, the substantive basis for Plaintiff’s motion is without merit under either § 455 or § 144. Plaintiff’s claims of bias and the basis for the motion for recusal are grounded on the fact that the undersigned has not yet ruled on her objections. Those objections were filed on November 6, 2025 (ECF No. 39), when the undersigned was handling a seven-week civil trial.

Plaintiff’s objections have not been pending so long as to suggest that the court has failed in its oversight obligations. Additionally, Plaintiff’s allegations of inconvenience of the location of the Flint courthouse do not suggest a basis for recusal. Most importantly, Plaintiff’s motion has not alleged, much less supported with sworn testimony, any claim of an extra-judicial source of personal bias on the part of the undersigned.

Nor has plaintiff set forth facts demonstrating a pervasive bias arising from facts adduced during proceedings in this matter that is so extreme as to render the undersigned unable to act impartially. Plaintiff simply has not suggested facts which would lead a reasonable person with knowledge of all of the facts to question the undersigned’s impartiality in this matter.

Therefore, the court concludes that Plaintiff’s allegations are without merit and recusal is neither necessary nor appropriate. For the foregoing reasons, plaintiff’s motion is DENIED as to the undersigned. SO ORDERED. Date: January 9, 2026 s/F. Kay Behm F. Kay Behm United States District Judge

