

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Black v. Siskiyou County

Black · No. 2:24-cv-3709 DJC CKD P · Decided March 14, 2025

SUMMARY

The United States District Court for the Eastern District of California denied plaintiff Siva D. Black’s motion seeking recusal of the undersigned magistrate judge. The court held that the motion did not identify an extrajudicial source of bias or prejudice and that adverse judicial rulings alone were insufficient to establish grounds for recusal under 28 U.S.C. §§ 144 and 455.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 14, 2025
DOCKET	2:24-cv-3709 DJC CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for recusal of the undersigned magistrate judge based on alleged bias, prejudice, and adverse prior rulings.
STANDARD OF REVIEW	The court assessed the legal sufficiency of the recusal motion under the objective standard of whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.

TOPICS

- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- judicial disqualification

QUESTIONS PRESENTED

1. Whether plaintiff's allegations based on adverse prior rulings established a legally sufficient basis for recusal under 28 U.S.C. §§ 144 and 455.
2. Whether the motion alleged facts demonstrating that the judge's impartiality might reasonably be questioned or that the judge had personal bias or prejudice arising from an extrajudicial source.

HOLDINGS

1. A judge's prior adverse rulings, without more, are not a sufficient basis for recusal under 28 U.S.C. §§ 144 or 455.
2. The judge to whom a recusal motion is directed may determine and deny the motion when the supporting affidavit or allegations are legally insufficient.

KEY QUOTATIONS

“Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” (at 2)

“Almost invariably, they are proper grounds for appeal, not for recusal.” (at 2)

FACTUAL BACKGROUND

Plaintiff sought recusal based principally on previous rulings against him. The motion did not identify facts showing that the magistrate judge had bias or prejudice directed toward plaintiff from an extrajudicial source. The court concluded that the alleged adverse rulings did not provide an adequate basis for recusal.

PROCEDURAL HISTORY

Plaintiff filed a motion seeking recusal under 28 U.S.C. §§ 144 and 455. The district court determined that the motion did not allege facts showing bias or prejudice arising from an extrajudicial source and denied the request for recusal.

DISPOSITION

other

CASES CITED

- United States v. Sibla, 624 F.2d 864, 867 (9th Cir. 1980)
- United States v. Scholl, 166 F.3d 964, 977 (9th Cir. 1999)
- Toth v. Trans World Airlines, Inc., 862 F.2d 1381, 1388 (9th Cir. 1988)
- United States v. \$292,888.04 in U.S. Currency, 54 F.3d 564, 566 (9th Cir. 1995)
- Mayes v. Leipziger, 729 F.2d 605, 607 (9th Cir. 1984)
- United States v. Nelson, 718 F.2d 315, 321 (9th Cir. 1983)
- United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986)
- Liteky v. United States, 510 U.S. 540, 555 (1994)
- Leslie v. Grupo ICA, 198 F.3d 1152, 1160 (9th Cir. 1999)

OPINION

(PC) Black v. Siskiyou County

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 SIVA D. BLACK, No. 2:24-cv-3709 DJC CKD P

12 Plaintiff, 13 v. ORDER

14 SISKIYOU COUNTY,

15 Defendant. 16

17 Plaintiff has filed a motion that the undersigned recuse. 18 I. Legal Standard: 19 Federal law allows a judge to recuse from a matter based on a question of partiality: 20 Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might 21 reasonably be questioned. [¶] He shall also disqualify himself . . . [¶] [w]here he has a personal bias or prejudice concerning a party, or 22 personal knowledge of disputed evidentiary facts concerning the proceeding 23 24 28 U.S.C. § 455(a), (b)(1). 25 A party may seek recusal of a judge based on bias or prejudice: 26 Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the 27 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 28 therein, but another judge shall be assigned to hear such proceeding. 1 [¶] The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists 2 3 28 U.S.C. § 144. 4 Relief under Section 144 is conditioned upon the filing of a timely and legally sufficient 5 affidavit. A judge who finds the affidavit legally sufficient must proceed no further under Section 6 144 and must assign a different judge to hear the matter. See 28 U.S.C. § 144; *United States v. 7 Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). Nevertheless, where the affidavit lacks sufficiency, the 8 judge at whom the motion is directed can determine the matter and deny recusal. See *United 9 States v. Scholl*, 166 F.3d 964, 977 (9th Cir. 1999) (citing *Toth v. Trans World Airlines, Inc.*, 862 10 F.2d 1381, 1388 (9th Cir. 1988) (holding that only after determining the legal sufficiency of a

11 Section 144 affidavit is a judge obligated to reassign decision on merits to another judge)); *United*

12 *States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 566 (9th Cir. 1995) (if the affidavit is 13 legally insufficient, then recusal can be denied). 14 The standard for legal sufficiency under Sections 144 and 455 is “whether a reasonable 15 person with knowledge of all the facts would conclude that the judge’s impartiality might 16 reasonably be questioned.” *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir. 1984) (quoting 17 *United States v. Nelson*, 718 F.2d 315, 321 (9th Cir. 1983)); *United States v. Studley*, 783 F.2d 18 934, 939 (9th Cir. 1986). To provide adequate

grounds for recusal, the prejudice must result from 19 an extrajudicial source. Sibla, 624 F.2d at 868-89. A judge's previous adverse ruling alone is not 20 sufficient for recusal. Nelson, 718 F.2d at 321. 21 II. Analysis 22 To the extent plaintiff alleges bias, prejudice, and impartiality based on previous rulings 23 against plaintiff, the motion for recusal is substantially insufficient. The motion fails to allege 24 facts to support a contention that the undersigned has exhibited bias or prejudice directed towards 25 plaintiff from an extrajudicial source. Sibla, 624 F.2d at 868; see Liteky v. United States, 510 26 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never constitute a valid basis for a bias or 27 partiality motion."); id. ("In and of themselves . . . [judicial rulings] cannot possibly show 28 reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the 1 | degree of favoritism or antagonism required . . . when no extrajudicial source is involved. Almost 2 || invariably, they are proper grounds for appeal, not for recusal."); Leslie v. Grupo ICA, 198 F.3d 3 |} 1152, 1160 (th Cir. 1999) ("[Plaintiff's] allegations stem entirely from the district judge's 4 || adverse rulings. That is not an adequate basis for recusal."). 5 | II. Conclusion 6 Because plaintiff fails to identify any adequate basis for recusal, and because there is no 7 || basis to reasonably question the undersigned's impartiality, IT IS HEREBY ORDERED that 8 | plaintiffs request for recusal (ECF No. 12) is DENIED. 9 | Dated: March 14, 2025 □□ I / dip Ze

10 CAROLYN DELANEY

11 UNITED STATES MAGISTRATE JUDGE

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