

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.

OPINION

1 2 3 4 5 6 7 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 12 13 14], blac3709.rec 15 16 17 18 19 20 21 22 23 24 25 26 27 28