

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

OPINION

(PC) Black v. Siskiyou County

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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