

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Dang v. Pontier

Dang · No. 19cv1519-LL-DDL · Decided March 27, 2025

SUMMARY

The United States District Court for the Southern District of California denied David Pontier’s motion to recuse Judge Linda Lopez in an interpleader action and related litigation. The court held that the judge’s membership in the State Bar of California and alleged delays in ruling on Pontier’s motions did not establish that her impartiality might reasonably be questioned or demonstrate deep-seated favoritism or antagonism.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 27, 2025
DOCKET	19cv1519-LL-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Defendant and counterclaimant David Pontier moved for recusal under 28 U.S.C. §§ 144 and 455. The district court resolved the motion on the papers without oral argument and denied it.
STANDARD OF REVIEW	The court applied the objective standard under 28 U.S.C. §§ 144 and 455: whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- civil procedure
- due process

PRACTICE AREAS

- civil procedure
- judicial disqualification and recusal
- interpleader

QUESTIONS PRESENTED

1. Whether the judge's membership in the State Bar of California required recusal because the State Bar was a party in a related action.
2. Whether alleged delays in ruling on Pontier's motions demonstrated judicial bias requiring recusal under 28 U.S.C. §§ 144 or 455.

HOLDINGS

1. A judge's membership in a bar association, without more, does not establish that the judge's impartiality might reasonably be questioned or require recusal when the bar association is a party.
2. Alleged delays in ruling on motions and adverse or incomplete judicial rulings do not establish grounds for recusal absent facts showing deep-seated favoritism or antagonism that would make fair judgment impossible.

KEY QUOTATIONS

“The substantive standard for recusal under 28 U.S.C. § 144 and 28 U.S.C. § 455 is the same: “[W]hether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.”” (at 1)

““[J]udicial rulings alone almost never constitute valid basis for a bias or partiality motion.”” (at 1)

“The fact that a plaintiff sues a bar association does not require recusal of judges who are members of that bar association.” (at 2)

“There are 463 weighted filings per judgeship.” (at 3)

FACTUAL BACKGROUND

Pontier alleged that the judge was biased because she was a member of the State Bar of California, which was involved as a party in a related action, and because the plaintiff was also a bar member. He also asserted that delays in ruling on his motions demonstrated bias. The court found that bar membership alone and frustration over the timing of rulings did not show partiality or antagonism making fair judgment impossible.

PROCEDURAL HISTORY

Pontier sought recusal of the presiding judge based on her membership in the State Bar of California and alleged delays in ruling on his motions. The court held that the asserted facts did not establish a reasonable basis to question the judge's impartiality and denied the motion.

DISPOSITION

other

CASES CITED

- United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986)

- *Liteky v. United States*, 510 U.S. 540, 554-56, 114 S. Ct. 1147, 1157, 127 L. Ed. 2d 474 (1994)
- *United States v. Hernandez*, 109 F.3d 1450, 1453-54 (9th Cir. 1997)
- *Denardo v. Municipality of Anchorage*, 974 F.2d 1200, 1201 (9th Cir. 1992)
- *Block v. Washington State Bar Ass’n*, No. C15-2018 RSM, 2016 WL 11787683, at *2 & n.1 (W.D. Wash. Feb. 24, 2016)
- *Hills v. Serv. Emps. Int’l Union*, No. 09CV1919 WQH WVG, 2011 WL 3667643, at *1-2 (S.D. Cal. Aug. 19, 2011), *aff’d*, 520 F. App’x 555 (9th Cir. 2013)

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