

1 respect to disqualification should be made by the judge sitting in the case, and not by another judge.”
2 Id. (quoting United States v. Balistreri, 779 F.2d 1191, 1202 (7th Cir. 1985)). “[S]ection 455 includes
3 no provision for referral of the question of recusal to another judge; if the judge sitting on the case is
4 aware of grounds for recusal under section 455, that judge has a duty to recuse himself or herself.”
5 United States v. Sibla, 624 F.2d 864, 868 (9th Cir. 1980). On the other hand, “in the absence of a
6 legitimate reason to recuse himself, a judge should participate in cases assigned.” United States v.
7 Holland, 519 F.3d 909, 912 (9th Cir. 2008).

8 On September 13, 2019, Plaintiff filed an application for an order for enforcement of
9 administrative agency judgment and request for judicial notice in the United States Court of Appeals
10 for the Ninth Circuit, case number 15-17148. Plaintiff contends the filing divested this Court of
11 jurisdiction and therefore the undersigned has no authority to proceed with the case. First, Plaintiff’s
12 September 13, 2019, motion was denied by the Ninth Circuit on November 4, 2019. (ECF No. 194.)
13 Second, Plaintiff has failed to demonstrate that the undersigned exhibits bias or prejudice towards him.
14 Plaintiff’s allegations of bias or prejudice stem from the Court’s procedures and rulings. However,
15 “[j]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. Liteky v.
16 United States, 510 U.S. 540, 555 (1994). Accordingly, Plaintiff’s motion for disqualification must be
17 denied.

18 **II.**

19 **ORDER**

20 Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s motion for disqualification
21 of the undersigned (ECF No. 181) is DENIED.

22
23 IT IS SO ORDERED.

24 Dated: November 8, 2019



25 UNITED STATES MAGISTRATE JUDGE