| 1 | | HONORABLE RONALD B. LEIGHTON |
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| 6 | UNITED STATES DISTRICT COURT | |
| 7 | WESTERN DISTRICT OF WASHINGTON AT TACOMA | |
| 8 | ANNE K. BLOCK, | CASE NO. C15-2018-RSM |
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| 10 | Plaintiff, | ORDER ON REVIEW OF ORDER DENYING MOTION TO RECUSE |
| 11 | V. | [Dkt. #s 87 and 134] |
| 12 | WASHINGTON STATE BAR ASSOCIATION, et al., | |
| 13 | Defendants. | |
| 14 | THIS MATTER is before the Court on review Chief Judge Ricardo Martinez's Order | |
| 15 | [Dkt. # 134], declining to Recuse himself in response to Plaintiff Block's Second Motion to | |
| 16 | Disqualify [Dkt. #87]. The Order was referred to this Court as the most senior non-Chief Judge | |
| 17 | under 28 U.S.C. §144 and LCR 3(e). | |
| 18 | Block continues to argue that her RICO conspiracy lawsuit against the Washington State | |
| 19 | Bar Association necessarily disqualifies all members of that body from presiding over the case, | |
| 20 | including Chief Judge Martinez. Block's virtually identical prior effort was denied, and affirmed. | |
| 21 | [See Dkt. #s 9, 25 and 68]. Block's current Motion claims that Judge Martinez is "friends" with | |
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one of the defendants, points out that he has participated in various WSBA boards, and is a former King County Superior Court Judge. She also seems to suggest that he follows her blog¹. 2 3 A federal judge should recuse himself if "a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." 28 U.S.C.§144; 28 U.S.C. § 455; Yagman v. Republic Insurance, 987 F.2d 622, 626 (9th Cir.1993). 5 6 This is an objective inquiry concerned with whether there is the appearance of bias, not whether there is bias in fact. Preston v. United States, 923 F.2d 731, 734 (9th Cir.1992); United States v. 7 Conforte, 624 F.2d 869, 881 (9th Cir.1980). 8 9 Despite Block's claims to the contrary, there is no "binding" Ninth Circuit or other precedent holding that a suit against the Bar Association requires disqualification of all judges 10 11 who are members of that bar. The rule is, in fact, just the opposite. See Denardo v. Municipality 12 of Anchorage, 974 F.2d 1200, 1201 (9th Cir. 1992), and other cases cited in prior orders. 13 Nor has Block provided any evidence that would lead a reasonable person with 14 knowledge of the facts to conclude that Judge Martinez's impartiality might reasonably be 15 questioned. For these reasons, Judge Martinez's Order [Dkt. #134] denying Block's Second Motion 16 17 to Recuse [Dkt. #87] is AFFIRMED, and the Motion is DENIED. 18 // // 19 20 // 21 // 22 23 ¹ A similar—and patently false—claim was made about this Court. 24

| 1 | The Clerk is directed to provide a copy of this Order to U.S. District Court Chief Judge | |
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| 2 | Ricardo Martinez. | |
| 3 | IT IS SO ORDERED. | |
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| 5 | Dated this 3 rd day of May, 2016. | |
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| 7 | Ronald B. Leighton | |
| 8 | United States District Judge | |
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