

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 ALLAH,

CASE NO. C17-1746RSM-JPD

10 Plaintiff,

ORDER

11 v.

12 PAUL SHERFEY,

13 Defendant.

14 THIS MATTER is before the Court on review of Chief Judge Ricardo Martinez's Order
15 [Dkt. #8], declining to recuse himself in response to Plaintiff Allah's¹ Motion to Recuse [Dkt.
16 #7]. That Order was referred to this Court as the most senior non-Chief Judge under 28 U.S.C.
17 §144 and LCR 3(e).

18 Allah claims that Judge Martinez is a "liar," "the devil" and a "creep." He claims Judge
19 Martinez is demonstrating bias and prejudice to Allah, possibly based on a decision in another
20 case, and possibly based on the fact that he has not yet succeed in this case:

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23 ¹ Plaintiff refers to himself as "Allah@". He is incarcerated, following a conviction under another name. The gist of
24 his complaint appears to be that he, Allah, is not the named person convicted, the Court and Judges involved in his
case are not legitimate, and the conviction should be vacated on that basis.

1 3 (6) Pursuant to both 28 U.S.C. § 144 and 28 U.S.C. § 455, Ricardo S. Martinez, and James P. Donahue, know the
2 4 law, and they know when Records are Altered, Fingerprints are Forced, there is no Warrant of Commitment,
3 5 means there is no Due Process, not any Probable Cause, so to dismiss Allah[®] knowing all of these
4 6 things means that your impartiality is suspect, and then to Find out the Cases that Ricardo S. Martinez,
5 7 and James P. Donahue, denied Allah[®] relief from one invalid, means that Allah[®] will never receive any
6 8 Relief, because one (1) of Ricardo S. Martinez, and James P. Donahue's, duties is to uphold the U.S.
7 9 Constitution and laws, yet by their Judgments which violate the Constitution and laws, Ricardo S.
8 10 Martinez, and James P. Donahue, are showing bias, prejudice, hating God, and using the law to uphold
9 11 their lies. Now that the Cases are revealed as being invalid, they need to correct their Void Judgments.

10 [Dkt. #7 at 3].

11 A federal judge should recuse himself if “a reasonable person with knowledge of all the
12 facts would conclude that the judge’s impartiality might reasonably be questioned.” 28 U.S.C.
13 § 144; *see also* 28 U.S.C. § 455; *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir.
14 1993). This objective inquiry is concerned with whether there is the appearance of bias, not
15 whether there is bias in fact. *See Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1992); *see*
16 *also United States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).). In the absence of specific
17 allegations of personal bias, prejudice, or interest, neither prior adverse rulings of a judge nor his
18 participation in a related or prior proceeding is sufficient” to establish bias. *Davis v. Fendler*, 650
19 F.2d 1154, 1163 (9th Cir. 1981). Judicial rulings alone “almost never” constitute a valid basis for
20 a bias or partiality motion. *Liteky v. United States*, 510 U.S. 540, 555 (1994).

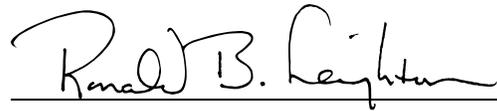
21 Allah’s recusal motion does not identify or claim any personal bias, prejudice or interest
22 on the part of Judge Martinez. It does not articulate any fact that would lead a reasonable
23 observer to question Judge Martinez’s impartiality. It is based instead on his claim that the state
24 court judgment is invalid and that Judge Martinez will dismiss his case to save his fellow

1 “creeps.” Furthermore, if and to the extent the claim of bias is based on Allah’s lack of success in
2 this or a different case, that is not a valid basis for a motion to recuse; judicial rulings alone
3 “almost never” are.

4 Allah’s Motion for Recusal [Dkt. #7] is DENIED, and Judge Martinez’s Order Declining
5 to Recuse [Dkt. #8] is AFFIRMED.

6 IT IS SO ORDERED.

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9 Dated this 9th day of January, 2018.

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11 Ronald B. Leighton
12 United States District Judge
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