

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

6 ALLAH,<sup>1</sup>

7 Plaintiff,

Case No. C17-1746RSM-JPD

8 v.

9 PAUL SHERFEY,

ORDER AFFIRMING JUDGE  
DONOHUE'S DENIAL OF MOTION TO  
RECUSE

10 Defendant.  
11

12 THIS MATTER comes before the Court on Plaintiff's Motion made to both the  
13 Undersigned Judge and the Magistrate Judge to whom this case is currently assigned, seeking that  
14 they recuse themselves from this case. Dkt. #7. On January 3, 2018, U.S. Magistrate Judge James  
15 P. Donohue declined to recuse himself. Dkt. #6. In accordance with the Local Rules of this  
16 District, the matter was then referred to the Undersigned for review. LCR 3(e).

17 Plaintiff has filed numerous Complaints in this Court.<sup>2</sup> With respect to both the  
18 Undersigned and Judge Donohue, Plaintiff asserts that they are "liars," "devils" and "creeps," and  
19 that because Plaintiff's state court judgments are invalid, they will "lie and dismiss [this] Case to  
20 save everyone and keep Allah©, illegally imprisoned by their Fellow creeps." Dkt. #7 at 2.

21  
22 <sup>1</sup> Mr. Allah files all pleadings in this Court under the name "Allah©".

23 <sup>2</sup> At last count there were more than 30.

1 Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall disqualify himself in any  
2 proceeding in which his impartiality “might reasonably be questioned.” Federal judges also shall  
3 disqualify themselves in circumstances where they have a personal bias or prejudice concerning a  
4 party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C.  
5 § 455(b)(1).

6 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate  
7 if “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality  
8 might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th  
9 Cir.1993). This is an objective inquiry concerned with whether there is the appearance of bias, not  
10 whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.1992); *United*  
11 *States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980). In *Liteky v. United States*, 510 U.S. 540  
12 (1994), the United States Supreme Court further explained the narrow basis for recusal:

13 [J]udicial rulings alone almost never constitute a valid basis for a bias or  
14 partiality motion. . . . [O]pinions formed by the judge on the basis of facts  
15 introduced or events occurring in the course of the current proceedings, or of  
16 prior proceedings, do not constitute a basis for a bias or partiality motion  
17 unless they display a deep seated favoritism or antagonism that would make  
18 fair judgment impossible. Thus, judicial remarks during the course of a trial  
19 that are critical or disapproving of, or even hostile to, counsel, the parties, or  
20 their cases, ordinarily do not support a bias or partiality challenge.

21 *Id.* at 555.

22 In the instant motion, Plaintiff fails to allege any facts or behavior by the Court  
23 demonstrating bias towards him. A review of the rulings in this matter and Plaintiff’s previous  
actions reveals no Orders that are either outlandish or irrational, or in any way give rise to an  
inference of bias. Therefore, the Court finds no evidence upon which to reasonably question Judge  
Donohue’s impartiality and AFFIRMS his denial of Plaintiff’s request that he recuse himself.

1           The Clerk SHALL provide copies of this Order to Plaintiff, all counsel of record, and to  
2 Judge Donohue.

3           DATED this 9 day of January, 2018.

4  
5  
6 

7           RICARDO S. MARTINEZ  
8           CHIEF UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23