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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ALLAH,

9 Petitioner,

Case No. C17-1820-JCC-MAT

10 v.

11 DONALD R. HOLBROOK,

ORDER RE: PETITIONER'S MOTION  
TO RECUSE

12 Respondent.

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14 Petitioner Allah has submitted to this Court for filing a petition for writ of habeas corpus,  
15 an application to proceed with this action *in forma pauperis*, and a document entitled Affidavit of  
16 Prejudice, which seeks the recusal of the undersigned and the Honorable John C. Coughenour  
17 under 28 U.S.C. §§ 144 and 455. (Dkts. 4, 4-1, 4-4.)

18 Pursuant to LCR 3(e), whenever a motion to recuse is filed pursuant to 28 U.S.C. § 144 or  
19 28 U.S.C. § 455, “the challenged judge will review the motion papers and decide whether to recuse  
20 voluntarily.”

21 Section 144 provides that:

22 Whenever a party to any proceeding in a district court makes and files a  
23 timely and sufficient affidavit that the judge before whom the matter is pending has  
a personal bias or prejudice either against him or in favor of any adverse party, such

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TO RECUSE - 1

1 judge shall proceed no further therein, but another judge shall be assigned to hear  
2 such proceeding. The affidavit shall state the facts and the reasons for the belief  
that bias or prejudice exists.

3 28 U.S.C. § 144.

4 Section 455 states in relevant part that, “[a]ny justice, judge, or magistrate judge of the  
5 United States shall disqualify himself in any proceeding in which his impartiality might reasonably  
6 be questioned.” 28 U.S.C. § 455(a).

7 Petitioner asserts in his request for recusal that the undersigned and Judge Coughenour are  
8 “devils and liars” who have improperly denied him relief in prior cases. (*See* Dkt. 4-4 at 1-2.)  
9 However, the fact that the undersigned made rulings adverse to petitioner in prior cases  
10 demonstrates neither personal bias nor prejudice, and therefore does not constitute a valid basis  
11 for recusal. As petitioner has identified no valid basis for recusal, and as this Court perceives no  
12 justification for recusing voluntarily, the Clerk shall refer petitioner’s request to the Chief Judge  
13 for consideration pursuant to LCR 3(e). The Clerk shall also send copies of this Order to petitioner  
14 and to the Honorable John C. Coughenour.

15 DATED this 9th day of February, 2018.

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18 Mary Alice Theiler  
19 United States Magistrate Judge  
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