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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 DONTE MCCLELLON,

8 Plaintiff,

9 v.

10 CAPITAL ONE BANK,

11 Defendant.

CASE NO. C18-909 JCC

ORDER AFFIRMING ORDER  
DECLINING TO RECUSE  
VOLUNTARILY

12 This matter is before the Court on Plaintiff's motion seeking, *inter alia*, recusal of the  
13 Honorable Judge Coughenour. Dkt. #41. Judge Coughenour declined to recuse himself and, in  
14 accordance with this Court's Local Civil Rules, the matter was referred to the Undersigned for  
15 review. Dkt. #45; LCR 3(f). Plaintiff's motion is light on factual support and does not  
16 demonstrate a basis for recusal. The Undersigned affirms Judge Coughenour's decision.

17 Plaintiff's primary complaints clearly flow from Plaintiff's disagreement with orders  
18 entered by Judge Coughenour. *See* Dkt. #41 at 4–5. Plaintiff alleges that Judge Coughenour  
19 abused his discretion by finding Plaintiff's appeal was “not made in good faith.” *Id.* at 4.  
20 Plaintiff expresses his belief that his motion to vacate the judgment should have been granted  
21 and that Judge Coughenour denied IFP status on appeal “even when opposing counsel [had] not  
22 opposed” it. *Id.* Plaintiff concludes that Judge Coughenour's “rulings [have] demonstrated that  
23 he is incapable of ruling in impartiality in separate matters.” *Id.*

1 Pursuant to 28 U.S.C. § 455(a), a “judge of the United States shall disqualify himself in  
2 any proceeding in which his impartiality might reasonably be questioned.” Recusal is  
3 appropriate if “a reasonable person with knowledge of all the facts would conclude that the  
4 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d  
5 622, 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the  
6 appearance of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731,  
7 734 (9th Cir. 1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).

8 Plaintiff fails to allege any reasonable basis for recusal. Plaintiff’s complaints are with  
9 Judge Coughenour’s judicial actions. But, “a judge’s prior adverse ruling is not sufficient  
10 cause for recusal.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor*  
11 *v. Regents of Univ. of Cal.*, 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial  
12 bias must stem from an extrajudicial source.”). Plaintiff merely alleges that “[t]his has gone  
13 well beyond simply disagreeing with a U.S. District Judge on any particular ruling but into the  
14 efforts this U.S. District Judge has made to abuse his discretion.” Dkt. #41 at 4. Beyond this  
15 baseless and conclusory allegation, Plaintiff points to nothing but Judge Coughenour’s prior  
16 rulings as a basis for concluding that Judge Coughenour’s “impartiality might reasonably be  
17 questioned.” Accordingly, the Court finds and ORDERS that Judge Coughenour’s Order (Dkt.  
18 #45) declining to recuse himself is AFFIRMED. The Clerk shall provide a copy of this Order  
19 to Plaintiff.

20 Dated this 14<sup>th</sup> day of June 2019.

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23 RICARDO S. MARTINEZ  
24 CHIEF UNITED STATES DISTRICT JUDGE