



1 shall disqualify herself in circumstances where she has a personal bias or prejudice concerning a  
2 party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C.  
3 § 455(b)(1).

4 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate  
5 if “a reasonable person with knowledge of all the facts would conclude that the judge’s  
6 impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626  
7 (9th Cir.1993). This is an objective inquiry concerned with whether there is the appearance of  
8 bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th  
9 Cir.1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980). In *Liteky v. United*  
10 *States*, 510 U.S. 540 (1994), the United States Supreme Court further explained the narrow basis  
11 for recusal:  
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13 [J]udicial rulings alone almost never constitute a valid basis for a bias or partiality  
14 motion. . . . [O]pinions formed by the judge on the basis of facts introduced or  
15 events occurring in the course of the current proceedings, or of prior proceedings,  
16 do not constitute a basis for a bias or partiality motion unless they display a deep  
17 seated favoritism or antagonism that would make fair judgment impossible. Thus,  
18 judicial remarks during the course of a trial that are critical or disapproving of, or  
19 even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias  
20 or partiality challenge.

21 *Id.* at 555.

22 Plaintiff’s motion for Judge Strombom to recuse herself was based, not on any ruling she  
23 had made, but on her failure to rule on certain motions in a manner which Plaintiff deemed  
24 timely. These allegations do not implicate any personal bias or prejudice on Judge Strombom’s  
25 part towards any part, nor any personal knowledge of disputed evidentiary issues. This Court  
26 cannot reasonably question Judge Strombom’s impartiality.

1 **CONCLUSION**

2 There is no reasonable basis for a voluntary recusal in this instance.

3 Accordingly it is hereby **ORDERED** that the undersigned **DENIES** Plaintiff's motion  
4 for Judge Strombom to recuse herself voluntarily.  
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6 The Clerk of the Court shall send a copy of this Order to Plaintiff and to any parties who  
7 have appeared in this action.  
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9 DATED this 14th day of October, 2011.  
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13 Marsha J. Pechman  
14 Chief United States District Judge  
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