1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
7	AT SEATTLE	
8	STEVEN DARBY MCDONALD,	CASE NO. 3:17-cv-05013-RBL-DWC
9	Plaintiff,	ORDER ON REVIEW OF SECOND MOTION TO RECUSE
10	v.	
11	KENNETH LAUREN, et al.,	
12	Defendants.	
13	On June 26, 2018, Plaintiff Steven Darby McDonald filed a Motion to Transfer Case to	
14	Oregon, interpreted in part as a motion for recusal of Magistrate Judge David W. Christel, Dkt.	
15	#150. This is Plaintiff's second Motion seeking recusal. On August 2, 2018, Judge Christel	
16	issued an Order declining to recuse himself and, in accordance with this Court's Local Rules,	
17	referred that decision to the Chief Judge for review. Dkt. #163; LCR 3(e).	
18	A judge of the United States shall disqualify himself in any proceeding in which his	
19	impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall	
20	disqualify themselves in circumstances where they have a personal bias or prejudice concerning	
21	a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28	
22	U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a	
23	district court makes and files a timely and sufficient affidavit that the judge before whom the	
24		

matter is pending has a personal bias or prejudice either against him or in favor of any adverse
party, such judge shall proceed no further therein, but another judge shall be assigned to hear
such proceeding." "[A] judge's prior adverse ruling is not sufficient cause for recusal." *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
993 F.2d 710, 712 (9th Cir. 1993) ("To warrant recusal, judicial bias must stem from an
extrajudicial source.").

The Court has reviewed Mr. McDonald's Motion. He argues Judge Christel is biased
against him because he stayed several of his motions pending appeal. Judge Christel is correct
that dissatisfaction with prior judicial rulings is not sufficient cause for recusal. *See Studley, supra*. Mr. McDonald fails to otherwise set forth a basis to reasonably question Judge Christel's
impartiality.

Accordingly, the Court hereby finds and ORDERS that Judge Christel's refusal to recuse
himself from this matter is AFFIRMED. The Clerk shall provide a copy of this Order to Mr.
McDonald.

DATED this 10th day of August, 2018.

15

16

17

18

19

20

21

22

23

24

RICARDO S. MARTINEZ CHIEF UNITED STATES DISTRICT JUDGE