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

8 BRENDA M. JOHNSON,  
9 Plaintiff,

10 v.

11 ELECTRONIC TRANSACTION  
12 CONSULTANTS, et al.,  
13 Defendants.

CASE NO. 3:17-cv-06009 RJB

ORDER ON REVIEW OF MOTION  
TO RECUSE

14 On March 9, 2018, Plaintiff Brenda M. Johnson filed a Motion to Recuse the Honorable  
15 Robert J. Bryan in this matter. Dkt. #20. On March 13, 2018, Judge Bryan issued an Order  
16 declining to recuse himself and, in accordance with this Court's Local Rules, referred that  
17 decision to the Chief Judge for review. Dkt. #24; 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

1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear  
2 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*  
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986).

4 Ms. Johnson’s Motion relies on Washington State statutes and case law that are  
5 inapplicable to actions filed in federal court. *See* Dkt. #20 at 1 (citing RCW 4.12.040 and  
6 4.12.050). Those statutes begin by stating “[n]o judge of a **superior court of the state of**  
7 **Washington...**” and “[any] party to or any attorney appearing in any action or proceeding **in a**  
8 **superior court** may disqualify a judge...” RCW 4.12.040 and 4.12.050. As such, these statutes  
9 do not afford Ms. Johnson the right to disqualify Judge Bryan here in federal court.

10 Ms. Johnson also presents argument indicating that she disagrees with Judge Bryan’s  
11 prior rulings, that Judge Bryan “[c]alled plaintiff out of name by belittling her,” and that he has  
12 shown “favoritism towards Government entities.” Dkt. #20 at 1. The Court has reviewed the  
13 record and finds that Ms. Johnson is relying on prior adverse rulings by Judge Bryan as a basis  
14 for her Motion, and has failed to show that Judge Bryan’s impartiality might reasonably be  
15 questioned.

16 Accordingly, the Court hereby finds and ORDERS that Judge Bryan’s refusal to recuse  
17 himself from this matter is AFFIRMED. The Clerk shall provide a copy of this Order to Ms.  
18 Johnson.

19 DATED this 14<sup>th</sup> day of March 2018.

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22 RICARDO S. MARTINEZ  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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