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

6 ROBERT E. CARUSO and SANDRA L.  
7 FERGUSON,

8 Plaintiffs,

9 v.

10 WASHINGTON STATE BAR  
11 ASSOCIATION, *et al.*,

12 Defendants.

Case No. C17-0003 RSM

ORDER DENYING MOTION TO  
DISQUALIFY

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14 This matter comes before the Court on Stephen K. Eugster’s “Motion to Disqualify  
15 Hon. Ricardo S. Martinez.” Dkt. #64. Mr. Eugster, counsel for Plaintiff Robert Caruso,  
16 appears to have filed this Motion on his own behalf rather than on behalf of his client. He has  
17 also failed to properly note this Motion. Regardless, the Court has determined that it can rule  
18 without responsive briefing.

19 Mr. Eugster states that “Judge Martinez and the court were the victims of fraud,” and  
20 that Judge Martinez went a step further and became a knowing participant in the fraud.” *Id.* at  
21 1. Mr. Eugster does not provide any further factual support for his Motion, nor does he attach  
22 any declarations or other evidence. The Motion cites to, *inter alia*, “Roman law” and argues  
23 that the undersigned has made this case “his own” and that this leads to questions about the  
24 undersigned’s impartiality. *Id.* at 2–4.

25 Under this Court’s Local Rules, this motion is first reviewed by the challenged Judge  
26 and then referred to another judge for review. LCR 3(e). Pursuant to 28 U.S.C. § 455(a), a  
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1 judge of the United States shall disqualify himself in any proceeding in which his impartiality  
2 “might reasonably be questioned.” Federal judges also shall disqualify themselves in  
3 circumstances where they have a personal bias or prejudice concerning a party or personal  
4 knowledge of disputed evidentiary facts concerning the proceeding. *See* 28 U.S.C. § 455(b)(1).  
5 “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United States v. Studley*,  
6 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*, 993 F.2d 710,  
7 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an extrajudicial  
8 source.”).

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10 The Court finds that Mr. Eugster has failed to set forth any evidence for his Motion and  
11 his legal arguments are conclusory. To the best of the Court’s understanding, Mr. Eugster is  
12 relying solely on this Court’s prior adverse ruling as evidence of bias. This is insufficient to  
13 warrant recusal. *See Studley, supra; Taylor, supra.* There is no reasonable basis to question  
14 impartiality. Accordingly, the undersigned judge declines to voluntarily recuse himself.

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16 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
17 finds and ORDERS:

- 18  
19 1. Mr. Eugster’s Motion to Disqualify (Dkt. #64) is DENIED.  
20 2. In accordance with LCR 3(e), this Order is referred to the Honorable Ronald B.  
21 Leighton, the senior active judge in this District, for review of this decision.

22 The Clerk is directed to provide a copy of this Order to Judge Leighton.

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24 DATED this 17<sup>th</sup> day of May 2018.

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27 RICARDO S. MARTINEZ  
28 CHIEF UNITED STATES DISTRICT JUDGE