

United States District Court  
District of Columbia

United States

Plaintiff

vs.

sergeantdownload

Defendant

Case No.: 4:25-CM-0230/DRZ

**MEMORANDUM OPINION**

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Pending before the Court is Mr. likeabledalton200's Motion and Affidavit for Disqualification and Recusal Based Upon Bias and Prejudice Under 28 U.S.C. §§ 455, 144. Upon careful consideration of the motion, the applicable law, and the entire record, Mr. likeabledalton200's motion is **DENIED**.

**I. Background**

This case involves a motion filed by the Prosecution requesting the recusal of the Honorable Judge JusttheJudgel, pursuant to 28 U.S.C. §§ 144 and 455(a). The Prosecution argues that the Judge's impartiality has been compromised, both due to alleged personal bias or prejudice against the prosecution and the appearance of partiality in favor of an adverse party. The motion cites that the Judge is roled as Associate Attorney General in the DOJ server and that his combined access to classified information and sensitive investigatory matters, including pending cases creates an inherent conflict of interest and an appearance of bias.

## II. Standard of Review

A judge shall disqualify himself “in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). “In assessing section 455(a) motions, this circuit applies an 'objective' standard: Recusal is required when ‘a reasonable and informed observer would question the judge's impartiality.’” *S.E.C. v. Loving Spirit Found., Inc.*, 392 F.3d 486, 493, 364 U.S. App. D.C. 116 (D.C. Cir. 2004) (“*Loving Spirit*”) (quoting *United States v. Microsoft Corp.*, 253 F.3d 34, 114, 346 U.S. App. D.C. 330 (D.C. Cir. 2001) (*en banc*) (*per curiam*)).” To sustain [his] burden and compel recusal under Section 455(a), the moving party must demonstrate the court's reliance on an 'extrajudicial source' that creates an appearance of partiality or, in rare cases, where no extrajudicial source is involved, the movant must show a 'deep-seated favoritism or antagonism that would make fair judgment impossible.’” *Tripp v. Executive Office of the President*, 104 F. Supp. 2d 30, 34 (D.D.C. 2000) (quoting *Liteky v. United States*, 510 U.S. 540, 555, 114 S. Ct. 1147, 127 L. Ed. 2d 474 (1994)). “By contrast, Section 455(b)(1) requires the moving party to demonstrate actual bias or prejudice based upon an extrajudicial source.” *Id.* “The court has broad discretion in the consideration of the sufficiency of a motion to remove a judicial officer pursuant to 28 U.S.C. § 455(a).” *Cotton v. Washington Metro. Area Transit Auth.*, 264 F. Supp. 2d 39, 42 (D.D.C. 2003) (citing *Cobell v. Norton*, 237 F. Supp. 2d. 71, 78 (D.D.C. 2003), citing *James v. District of Columbia*, 191 F. Supp. 2d 44, 46-47 (D.D.C. 2002)). The court “must begin its analysis of the allegations supporting such a request with a presumption against disqualification.” *Cobell*, 237 F. Supp. 2d at 78 (citations omitted). To overcome this presumption, the moving party must demonstrate by clear and convincing evidence that

1 disqualification is required by Section 455(a). *Id.* at 78-79 (citations  
2 omitted).

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4 Further to recuse a judge under [28 U.S.C.] § 144, a litigant must submit,  
5 along with its motion, an affidavit stating 'the facts and the reasons for  
6 the belief that bias or prejudice exists.' *Loving Spirit*, 392 F.3d at  
7 492 (quoting 28 U.S.C. § 144). The litigant must file, in good faith, a  
8 "timely and sufficient affidavit" showing a judge has "personal bias or  
9 prejudice against him." 28 U.S.C. § 144; *Loving Spirit*, 392 F.3d at 489. If  
10 a litigant seeks disqualification under § 144, "such judge shall proceed no  
11 further therein, but another judge shall be assigned to hear such a  
12 proceeding." 28 U.S.C. § 144. But courts have frequently held that the  
13 judge against whom the motion is brought can first determine whether  
14 the affidavit is timely and sufficient. *See U.S. v. Haldeman*, 559 F.2d 31,  
15 131, 181 U.S. App. D.C. 254 (D.C. Cir. 1976) ("We perceive no basis upon  
16 which it could be held that [the judge] erred in ruling on the legal  
17 adequacy of the affidavits himself . . . . We are aware of instances in which  
18 motions invoking Section 144 have been submitted to fellow judges for  
19 decision. That course, however, was at most permissive. It is well settled  
20 that the involved judge has the prerogative, if indeed not the duty, of  
21 passing on the legal sufficiency of a Section 144 challenge."); *Klayman v.*  
22 *Judicial Watch, Inc.*, 278 F. Supp. 3d 252, 256 (D.D.C. 2017) (quotations  
23 omitted) (emphasis in original) ("Importantly, the mere fact that a party  
24 has filed a § 144 motion, accompanied by the requisite affidavit and  
25 certificate of counsel, does not automatically result in the challenged judge  
26 disqualification . . . . Rather, recusal is required *only* upon the filing of a  
27 timely and sufficient affidavit."). "In order to prevent a truly biased judge  
28 from blocking an attempt to recuse, the judge, in deciding whether to

1 grant the recusal motion, must accept the affidavit's factual allegations as  
2 true even if the judge knows them to be false.” *Loving Spirit*, 392 F.3d at  
3 496 (citing *Berger v. United States*, 255 U.S. 22, 35-36, 41 S. Ct. 230, 65 L.  
4 Ed. 481 (1921)). But the affidavit “must state facts as opposed to  
5 conclusions, and while the information and belief of the affiant as to the  
6 truth of the allegations are sufficient, mere rumors and gossip are not  
7 enough.” *Strange v. Islamic Republic of Iran*, 46 F. Supp. 3d 78, 81  
8 (D.D.C. 2014) (quoting *United States v. Hanrahan*, 248 F. Supp. 471, 475  
9 (D.D.C. 1965) (citations omitted)). “The identifying facts of time, place,  
10 persons, occasion and circumstances must be set forth, with at least that  
11 degree of particularity one would expect to find in a bill of  
12 particulars.” *Klayman*, 278 F. Supp. 3d at 257 (quoting *Hanrahan*, 248 F.  
13 Supp. at 474) (citations omitted)).

### 14 15 **III. Analysis**

16 Mr. likeabledalton200’s arguments for recusal are (1) the judge is roled  
17 AAG in the DOJ server, and (2) the judge can see classified information  
18 pertaining to criminal cases. Both arguments fail.

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20 Given that this Court has the “prerogative, if indeed not the duty, of  
21 passing on the legal sufficiency” of Mr. likeabledalton200’s assertions, it  
22 would be a significant waste of judicial resources to ask another judge to  
23 consider a motion that so clearly lacks merit. *Robertson v. Cartinhour*, 691  
24 F. Supp. 2d 65, 77 (D.D.C. 2010) (quoting *Haldeman*, 559 F.2d at 131);  
25 *cf.*, *Walsh v. Comey*, 110 F. Supp. 3d 73, 75 (D.D.C. 2015) (citations  
26 omitted) (“[W]hile [the court] has the option of forwarding the Motion to  
27 Recuse to another judge, transfer is not required . . . . Since the issues  
28

presented here are neither complex nor compelling, the Court will not impose on a colleague.”).

Under the well-recognized “objective standard” in this Circuit, “[r]ecusal is required when ‘a reasonable and informed observer would question the judge’s impartiality.’” *SEC v. Loving Spirit Found. Inc.*, 392 F.3d 486, 493, 364 U.S. App. D.C. 116 (D.C. Cir. 2004) (quoting *United States v. Microsoft Corp.*, 253 F.3d 34, 114, 346 U.S. App. D.C. 330 (D.C. Cir. 2001) (en banc) (per curiam), *cert. denied*, 534 U.S. 952, 122 S. Ct. 350, 151 L. Ed. 2d 264 (2001)). “This standard requires that [the Court] take the perspective of a fully informed third-party observer who ‘understand[s] all the relevant facts’ and has ‘examined the record and the law.’” *United States v. Cordova*, 806 F.3d 1085, 1092, 420 U.S. App. D.C. 138 (D.C. Cir. 2015) (quoting *United States v. Holland*, 519 F.3d 909, 914 (9th Cir. 2008)) (second alteration in original). As a result, “bald allegations of bias or prejudice” do not suffice. *Karim-Panahi v. U.S. Cong., Senate & House of Representatives*, 105 Fed. Appx. 270, 275 (D.C. Cir. 2004)

First, with respect to the timeliness of the motion, the court does in fact find that the motion and affidavit were timely submitted

Second, while both of Mr. likeabledalton200's claims are accurate (even if they weren't the court would be required to accept them as true even if we know them to be false), I note that I have the role Associate Attorney General because it was simply never removed, and my access to classified information is necessary for managing criminal case data. I oversee the bot that manages and stores case data to ensure its proper operation and

1 that all relevant commands function as intended. Therefore, after careful  
2 consideration I hold that a reasonable and informed observer would NOT  
3 question my impartiality because the facts do not create any appearance  
4 of bias or prejudice sufficient to require recusal.

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6 **IV. CONCLUSION**

7 “[A] judge has as much an obligation *not* to recuse himself where there is  
8 no reason to do so as he does to recuse himself when proper.” *S.E.C. v.*  
9 *Bilzerian*, 729 F. Supp. 2d 19, 22 (D.D.C. 2010) (citations omitted)  
10 (emphasis in original). Because Mr. likeabledalton200 falls far short of  
11 making any reasonable argument that recusal is warranted, the Court  
12 has an obligation to **DENY** his motion.

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14 **ORDER**

15 For the reasons stated in this Memorandum Opinion filed on this day, it is  
16 hereby **ORDERED** that Plaintiff’s Motion and Affidavit for  
17 Disqualification and Recusal Based Upon Bias and Prejudice Under 28  
18 U.S.C. §§ 455, 144, is **DENIED**.

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21 **SO ORDERED.**

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24 JustTheJudge ☺

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Just T. Judge  
District Court Judge