

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 KIARA ROBLES,

No. C 17-3235 CW

5 Plaintiff,

ORDER DENYING
REQUEST FOR
RECUSAL

6 v.

7 THE REGENTS OF THE UNIVERSITY OF
8 CALIFORNIA, BERKELEY, et al.,

(Docket No. 50)

9 Defendants.

10 _____/

11 Plaintiff requests that this Judge voluntarily recuse herself
12 from presiding over this case.

13 The standards for disqualification or recusal under 28 U.S.C.
14 §§ 144 and 455 are identical. United States v. Sibla, 624 F.2d
15 864, 867 (9th Cir. 1980). "The standard for judging the
16 appearance of partiality requiring recusal under 28 U.S.C. § 455
17 is an objective one and involves ascertaining 'whether a
18 reasonable person with knowledge of all the facts would conclude
19 that the judge's impartiality might reasonably be questioned.'" Preston v. United States, 923 F.2d 731, 734 (9th Cir. 1991)
20
21 (citations omitted).

22 Plaintiff argues that there is the appearance of a conflict
23 of interest for two reasons. First, this Judge graduated from the
24 University of California, Berkeley, which is a Defendant in this
25 case as well as the location of the events in question. Second,
26 this Judge was nominated by former President William J. Clinton
27 and Plaintiff alleges that a majority of the protesters at the
28

1 event had supported 2016 presidential candidate Hillary Clinton or
2 opposed President Trump. Even accepted as true, these
3 circumstances do not create the appearance of a conflict of
4 interest. See Larson v. C.I.A., No. 1:10-CV-01774 OWW JL, 2010 WL
5 4623923, at *1 (E.D. Cal. Nov. 5, 2010).

6 Accordingly, the request is DENIED (Docket No. 50). Because
7 Plaintiff's request is both unsworn and legally insufficient, it
8 is not appropriate for referral to the Clerk for random assignment
9 to another Judge. Civil L.R. 3-14.

10 IT IS SO ORDERED.

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12 Dated: July 25, 2017



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CLAUDIA WILKEN
United States District Judge