

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOSE DECASTRO,
4 Plaintiff,
5 v.
6 LAS VEGAS METROPOLITAN POLICE
7 DEPARTMENT, STATE OF NEVADA,
8 BRANDEN BOURQUE, JASON TORREY,
9 C. DINGLE, B. SORENSON, JESSE
10 SANDOVAL, and OFFICER DOOLITTLE,
11 Defendants.

Case No. 2:23-cv-00580-APG-EJY
Order Denying Motion to Recuse
[ECF No. 50]

10 Plaintiff Jose DeCastro moves for me to recuse myself from this case under 28 U.S.C.
11 § 455(a) because he contends that I am biased. The defendants oppose.

12 Subsection 455(a) requires recusal when “a reasonable person with knowledge of all the
13 facts would conclude that the judge’s impartiality might reasonably be questioned.” *United*
14 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). “The reasonable person is not someone who
15 is hypersensitive or unduly suspicious.” *United States v. Holland*, 519 F.3d 909, 913 (9th Cir.
16 2008) (quotations omitted). Prior “judicial rulings alone almost never constitute a valid basis for
17 a bias or partiality motion,” unless they “display a deep-seated favoritism or antagonism that
18 would make fair judgment impossible.” *Likety v. U.S.*, 510 U.S. 540, 555 (1994).

19 DeCastro relies only on my rulings in this case. But my rulings do not reflect a deep-
20 seated bias against DeCastro or his case. I therefore deny his motion to recuse.

21 I THEREFORE ORDER that plaintiff Jose DeCastro’s motion to recuse (**ECF No. 50**) is
22 **DENIED.**

23 DATED THIS 29th day of March, 2024.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE