

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX BAAH,

Plaintiff-Appellant,

v.

AT&T INC.; et al.,

Defendants-Appellees.

No. 20-55515

D.C. No. 8:15-cv-02008-JLS-JCG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted May 18, 2021**

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

Alex Baah appeals pro se from the district court's April 27, 2020 post-judgment order denying his motion for relief from judgment in his employment action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying reconsideration because Baah failed to demonstrate any basis for relief. *See* Fed. R. Civ. P. 59(e), 60(b)-(d); *Sch. Dist. No. 1J*, 5 F.3d at 1262-63 (setting forth grounds for reconsideration).

We do not consider the district court's post-judgment orders (1) denying Baah's motion for disqualification and (2) denying reconsideration of the order denying disqualification, because the notice of appeal is untimely as to those orders. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed with the district clerk within 30 days after entry of judgment or order appealed from).

We do not consider Baah's contentions concerning his prior appeals, Nos. 16-56793 and 18-56358.

AFFIRMED.

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

AUG 24 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX BAAH,

Plaintiff-Appellant,

v.

AT&T INC.; et al.,

Defendants-Appellees.

No. 20-55515

D.C. No. 8:15-cv-02008-JLS-JCG
Central District of California,
Santa Ana

ORDER

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

Baah's petition for panel rehearing (Docket Entry No. 19) is denied.

No further filings will be entertained in this closed case.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: April 6, 2020

Title: ALEX BAAH V. AT & T WEST ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kelly Davis
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER DENYING MOTION FOR
RECONSIDERATION OF
DISQUALIFICATION [62]**

Before the Court is Plaintiff Alex Baah's ("Baah" or "Plaintiff") Motion for Reconsideration of Disqualification of United States District Judge Josephine L. Staton ("Motion") (Dkt. 62). The Court finds this matter appropriate for resolution without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. Having reviewed the papers, the Court **DENIES** the Motion.

I. Background

On April 2, 2020, Plaintiff filed a Motion to Seek Reconsideration of this Court's order denying Plaintiff's motion to disqualify Judge Staton (Dkt. 60). The disqualification motion was referred to this Court for resolution pursuant to General Order 19-03 and Local Rule 72-5 (Dkt. 59).

II. Legal Standard

Federal Rule of Civil Procedure 60(b) "provides for reconsideration only upon a showing of: (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) 'extraordinary circumstances' which would justify relief." *School Dist. No. 1J*,

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: April 6, 2020
Page 2

Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993) (quoting *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1442 (9th Cir. 1991)). In addition, Local Rule 7-18 provides that a motion for reconsideration of an order may be made only on the following grounds:

(a) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision.

L.R. 7-18. Local Rule 7-18 also states that “[n]o motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.” *Id.*

III. Discussion

Plaintiff asks the Court to reconsider its denial of the motion to disqualify on the basis that “plaintiff is fully convinced that based on the historical trend of Judge Staton’s adverse rulings in this case against plaintiff, any reasonable person would conclude” that bias is present. Mot. at 2. This is the same argument Plaintiff made in his original motion to disqualify and does not meet Plaintiff’s burden on this motion. *See generally* Dkt. 57. Simply put, Plaintiff has shown no grounds for reconsideration—no change in material facts or law, no showing of failure to consider material facts presented to the Court in a prior decision, and no other “extraordinary circumstances” that justify relief. Instead, the Motion is simply a rehash of the previously filed motion to disqualify.

The Motion is therefore **DENIED**.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kd

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:15-cv-02008-JLS-JCG
Title: Alex Baah v. AT & T West et al.

Date: April 27, 2020

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION (Doc. 55)**

Before the Court is Plaintiff Alex Baah's Motion for Reconsideration.¹ (Doc. 55.) The Court dismissed this action with prejudice on November 10, 2016. (Doc. 33.) On June 15, 2018, Plaintiff filed a Rule 60(b) motion seeking relief from the Court's dismissal order. (Doc. 41.) The Court denied that Rule 60(b) motion as untimely, on September 12, 2018, explaining that the motion was required to have been brought within one year of the dismissal order, which served as the final judgment on the merits of this case.² (Doc. 46.) That order clearly stated "[t]his case shall remain closed and no further filings shall be entertained." (*Id.*) Plaintiff unsuccessfully appealed both the dismissal order and the order denying his Rule 60(b) motion. (See Docs. 35, 38, 48, 53.) Plaintiff now seeks reconsideration, purportedly under Federal Rule of Civil Procedure 59(e) and Local Rule 7-18, of the Court's September 12, 2018 order. (Doc. 55.) Because there is

¹ The Court finds this matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Accordingly, the hearing set for May 1, 2020, at 10:30 a.m., is VACATED.

² In both Plaintiff's first Rule 60(b) motion and his instant Rule 59(e) motion he incorrectly asserts that his case was not adjudicated on the merits until January 22, 2018, when the Supreme Court denied his petition for a writ of certiorari regarding his appeal of this Court's November 10, 2016 dismissal order. Doc. 41 at 2-3; Doc. 55 at 3-4; Reply at 5-6, Doc. 67; see *Nevitt v. United States*, 886 F.2d 1187, 1188 (9th Cir. 1989) (expressly holding that "an appeal does not toll the one year period" relevant to Rule 60(b), as it would "unduly impair the finality of judgments").

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:15-cv-02008-JLS-JCG

Date: April 27, 2020

Title: Alex Baah v. AT & T West et al.

no legal basis for Plaintiff's Motion, it is DENIED. *See Flient v. San Francisco Police Dep't*, No. C 06-2366 SBA, 2007 WL 1875888, at *1 (N.D. Cal. June 28, 2007) (citing *Stewart v. U.S. Bancorp.*, 297 F.3d 953, 956 (9th Cir. 2002)) (explaining that a Rule 59(e) motion may not be filed "more than [twenty-eight] days after the entry of judgment"); *Hazeltine v. Hicks*, No. 1:14-cv-00056-DAD-GSA-PC, 2016 WL 5404409, at *1 (E.D. Cal. Sept. 27, 2016), *aff'd sub nom. Hazeltine v. Young*, 793 F. App'x 647 (9th Cir. 2020) (denying second Rule 60(b) motion seeking relief from district court's prior order where the plaintiff again failed to present "newly discovered evidence, [demonstrate the court] committed clear error, or [point to] an intervening change in the controlling law").

Again, **this matter is closed, and no further filings are permitted.** Any further filing will be stricken without the need for Defendants to respond.

Initials of Preparer: tg

DECLARATION OF SERVICE

ALEX BAAH v. AT&T Corp et al., United States Supreme Court. Petition For Writ of Certiorari. I Hector Grajeda declares that I am over 18 years of age and not a party to the within cause of action, my business and residential address is: 1082 E. Main St, Apt 22, Tustin, CA 92780.

I served copies of the attached:

- (1). Petition For Writ of Certiorari**
- (2). Separate Appendix (A, B and C).**
- (3). Motion For Leave To Proceed In Forma Pauperis**

On each of the following below by placing same in an envelope(s) addressed as follows:

**Michael C. Sullivan (Attorney For Respondents)
Paul, Plevin, Sullivan & Connaughton LLP
101 West Broadway, Ninth Floor
San Diego, California 92101**

Each said envelope(s) was then on September 15, 2021, deposited in the United States mail at Tustin, California, the County in which I am employed with the postage thereon fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 15, 2021, in Tustin, California.



**Hector Grajeda
(Declarant)**



APPENDIX D

MIME-Version:1.0 From: _ecfmail@cacd.uscourts.gov To:ecfnef@c .scourts.gov
Message-Id:<22461485@cacd.uscourts.gov>Subject:Activity in Case 8:15-cv-02008-JLS-JCG Alex
Baah v. AT & T West et al Order/Referral to ADR (No 2) (Mediation Panel) (ADR-12) Content-Type:
text/html

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UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 11/2/2016 at 2:39 PM PDT and filed on 11/2/2016

Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer:

Document Number: 30

Docket Text:

ORDER/REFERRAL to ADR Procedure No. 2 by Judge Josephine L. Staton. Case is ordered to Court Mediation Panel for mediation. ADR Proceeding to be held no later than 8/22/2017.(tg)

8:15-cv-02008-JLS-JCG Notice has been electronically mailed to:

Danielle M Blackhall mduarte@paulplevin.com, ldemariarudy@paulplevin.com,
dblackhall@paulplevin.com

Jeffrey P Ames james@paulplevin.com, ldemariarudy@paulplevin.com

8:15-cv-02008-JLS-JCG Notice has been delivered by First Class U. S. Mail or by other means

BY THE FILER to :

Alex Baah

PO Box 17215

Irvine CA 92623

US

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEX BAAH

Plaintiff(s),

v.

AT & T WEST, et al.

Defendant(s).

CASE NUMBER:

8:15-cv-02008-JLS-JCG

ORDER/REFERRAL TO ADR

The Court, having considered the parties' Request: ADR Procedure Selection, the Notice to Parties of Court-Directed ADR Program, or the report submitted by the parties pursuant to Fed. R. Civ. P. 26(f) and Civil L.R. 26-1, hereby:

ORDERS this case referred to:

☐ **ADR PROCEDURE NO. 1:** (☐ district judge or ☐ magistrate judge assigned to the case for such settlement proceedings as the judge may conduct or direct).

☒ **ADR PROCEDURE NO. 2:** This case is referred to the ADR Program. Within twenty-one (21) days, plaintiff shall obtain the consent of a neutral listed on the Court's Mediation Panel who will conduct the mediation, and file form ADR-2, Stipulation Regarding Selection of Panel Mediator. If the parties have not selected and obtained the consent of a Panel Mediator within twenty-one (21) days, the ADR Program (213-894-2993) will assign one. Forms and a list of the Panel Mediators are available on the Court website, www.cacd.uscourts.gov. Absent extraordinary circumstances, parties cannot request a continuance within three (3) business days of a scheduled mediation.

☐ **ADR PROCEDURE NO. 3:** (Private mediation).

The ADR proceeding is to be completed no later than: 8/22/2017.

The Court further sets a status conference for: N/A.

For ADR Procedure Nos. 1 and 3, counsel are responsible for contacting the judge or private mediator at the appropriate time to arrange for further proceedings.

IT IS SO ORDERED.

DATED: November 2, 2016

/s/ Josephine L. Staton
Josephine L. Staton
United States District Judge

APPENDIX E

MIME-Version:1.0 From:~_ecfmail@cacd.uscourts.gov To:ecfnf@cacd.uscourts.gov
Message-Id:<26251094@.uscourts.gov>Subject:Activity in Case 8:15-cv-02008-JLS-JCG Alex
Baah v. AT & T West et al Order on Motion for Relief Content-Type: text/html

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer:

WARNING: CASE CLOSED on 11/10/2016

Document Number: 46

Docket Text:

MINUTES (IN CHAMBERS) ORDER DENYING Plaintiff's Motion to Seek Relief (Doc [41]) by Judge Josephine L. Staton: The Court finds the matter appropriate for decision without oral argument. Having taken the matter under submission and considered the relevant issues, the Court DENIES Plaintiff's Motion. This case shall remain closed and no further filings shall be entertained. (jp)

8:15-cv-02008-JLS-JCG Notice has been electronically mailed to:

Danielle M Blackhall lmason@paulplevin.com, dblackhall@paulplevin.com

Jeffrey P Ames mrachel@paulplevin.com, james@paulplevin.com

8:15-cv-02008-JLS-JCG Notice has been delivered by First Class U. S. Mail or by other means

BY THE FILER to :

Alex Baah

PO Box 17215

Irvine CA 92623

US

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:15-cv-2008-JLS-JCGx

Date: September 12, 2018

Title: Alex Baah v. AT&T West, et al.

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF'S
MOTION TO SEEK RELIEF (Doc. 41)**

Before the Court is Plaintiff Alex Baah's Motion to Seek Relief under Federal Rule of Civil Procedure 60(b) from the Court's November 10, 2016 order dismissing his case with prejudice. (Mot., Doc. 41.) Defendants AT&T Corporation, Fidelity Investments, and Pacific Bell Telephone Company opposed, and Baah replied. (Opp., Doc. 44; Reply, Doc. 45.) The Court finds the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Having taken the matter under submission and considered the relevant issues, the Court DENIES Plaintiff's Motion. *See* Fed. R. Civ. P. 60(c); *Kelly v. Provident Life and Acc. Ins. Co.*, 734 F. Supp. 2d 1085, 1105 (S.D. Cal. 2010) (motion for relief must be filed within one year of final judgment); *Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 714 (9th Cir. 2001) (holding court's dismissal of plaintiff's prior action with prejudice served as final judgment on the merits).

This case shall remain closed and no further filings shall be entertained.

Initials of Preparer: tg



APPENDIX F

MIME-Version:1.0 From: t_ecfmail@cacd.uscourts.gov To:ecfnf@cacd.uscourts.gov
Message-Id:<29593960@cacd.uscourts.gov>Subject:Activity in Case 8:15-cv-02008-JLS-JCG Alex
Baah v. AT & T West et al Order on Motion for Reconsideration Content-Type: text/html

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer:

WARNING: CASE CLOSED on 11/10/2016

Document Number: 66

Docket Text:

MINUTES (IN CHAMBERS) by Judge David O. Carter: Denying [62] MOTION for Reconsideration of Disqualification. (twddb)

8:15-cv-02008-JLS-JCG Notice has been electronically mailed to:

Karyn Renee Moore kmoore@paulplevin.com

Jeffrey P Ames james@paulplevin.com, cwebber@paulplevin.com

8:15-cv-02008-JLS-JCG Notice has been delivered by First Class U. S. Mail or by other means

BY THE FILER to :

Alex Baah

PO Box 17215

Irvine CA 92623

US

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: April 6, 2020

Title: ALEX BAAH V. AT & T WEST ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kelly Davis
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER DENYING MOTION FOR
RECONSIDERATION OF
DISQUALIFICATION [62]**

Before the Court is Plaintiff Alex Baah's ("Baah" or "Plaintiff") Motion for Reconsideration of Disqualification of United States District Judge Josephine L. Staton ("Motion") (Dkt. 62). The Court finds this matter appropriate for resolution without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. Having reviewed the papers, the Court **DENIES** the Motion.

I. Background

On April 2, 2020, Plaintiff filed a Motion to Seek Reconsideration of this Court's order denying Plaintiff's motion to disqualify Judge Staton (Dkt. 60). The disqualification motion was referred to this Court for resolution pursuant to General Order 19-03 and Local Rule 72-5 (Dkt. 59).

II. Legal Standard

Federal Rule of Civil Procedure 60(b) "provides for reconsideration only upon a showing of: (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) 'extraordinary circumstances' which would justify relief." *School Dist. No. 1J*,

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: April 6, 2020
Page 2

Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993) (quoting *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1442 (9th Cir. 1991)). In addition, Local Rule 7-18 provides that a motion for reconsideration of an order may be made only on the following grounds:

(a) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision.

L.R. 7-18. Local Rule 7-18 also states that “[n]o motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.” *Id.*

III. Discussion

Plaintiff asks the Court to reconsider its denial of the motion to disqualify on the basis that “plaintiff is fully convinced that based on the historical trend of Judge Staton’s adverse rulings in this case against plaintiff, any reasonable person would conclude” that bias is present. Mot. at 2. This is the same argument Plaintiff made in his original motion to disqualify and does not meet Plaintiff’s burden on this motion. *See generally* Dkt. 57. Simply put, Plaintiff has shown no grounds for reconsideration—no change in material facts or law, no showing of failure to consider material facts presented to the Court in a prior decision, and no other “extraordinary circumstances” that justify relief. Instead, the Motion is simply a rehash of the previously filed motion to disqualify.

The Motion is therefore **DENIED**.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kd

Alex Baah
PO Box 17215
Irvine, CA 92623

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Message-Id:<29440993@cacd.uscourts.gov>Subject:Activity in Case 8:15-cv-02008-JLS-JCG Alex
Baah v. AT & T West et al Order on Motion to Disqualify Judge Content-Type: text/html

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer:

WARNING: CASE CLOSED on 11/10/2016

Document Number: 60

Docket Text:

MINUTES (IN CHAMBERS): ORDER DENYING Motion for Disqualification [57] by Judge Josephine L. Staton: The Court finds no reasonable person with knowledge of all the facts would conclude Judge Staton's "impartiality might reasonably be questioned." Hernandez, 109 F.3d at 145354. Accordingly, the Court DENIES the Motion. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp)

8:15-cv-02008-JLS-JCG Notice has been electronically mailed to:

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: March 10, 2020

Title: ALEX BAAH V. AT & T WEST ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kelly Davis
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER DENYING MOTION FOR
DISQUALIFICATION [57]**

Before the Court is Plaintiff Alex Baah's ("Baah" or "Plaintiff") Motion for Disqualification of United States District Judge Josephine L. Staton ("Motion") (Dkt. 57). The Court finds this matter appropriate for resolution without oral argument. Fed. R. Civ. P. 78; L.R. 7-15. Having reviewed the papers, the Court **DENIES** the Motion.

I. Background

On March 3, 2020, Plaintiff filed a Motion to Seek Reconsideration of a prior court order concurrently with the instant Motion *pro se* (Dkt. 55, 57). The Disqualification Motion was referred to this Court for resolution pursuant to General Order 19-03 and Local Rule 72-5 (Dkt. 59).

II. Legal Standard

Title 28 of the U.S. Code, which deals with the judiciary and judicial procedure, provides for disqualification of a judge whenever "a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party." 28 U.S.C. § 144. The affidavit must set forth "the facts and the reasons for the belief that bias or prejudice exists." *Id.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: March 10, 2020

Page 2

Under § 144 this Court asks “whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” *United States v. Hernandez*, 109 F.3d 1450, 1453–54 (9th Cir. 1997) (per curiam) (quoting *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986)). Impermissible “personal bias” is generally a bias derived from extra-judicial origins, as opposed to an opinion formed during the course of litigation. *Craven v. United States*, 22 F.2d 605, 607 (1st Cir. 1927), accord *United States v. Carigan*, 600 F.2d 762, 763–64 (9th Cir. 1979). Indeed, “opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Liteky v. United States*, 510 U.S. 540, 555 (1994). More specifically, “judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge.” *Id.* (noting that “expressions of impatience, dissatisfaction, annoyance, and even anger” do not establish bias, nor do “ordinary efforts at courtroom administration”). Further, “judicial rulings almost never constitute a valid basis for a bias or partiality motion.” *Id.*

III. Discussion

Baah seeks to disqualify Judge Staton. Mot. at 1. Thus, the Court must consider whether Baah has demonstrated that Judge Staton’s “impartiality might reasonably be questioned” under a reasonable person standard. *Hernandez*, 109 F.3d at 1453–54. Baah does not meet the standard.

In his declaration in support of the Motion (“Baah Decl.”) (Dkt. 58), Baah reviews the lengthy history of this case and describes the several times Judge Staton has ruled adversely to him. Baah Decl. ¶¶ 1–5. Because of these adverse rulings, Baah argues that “he cannot have a fair and impartial trial or hearing” before Judge Staton. *Id.* ¶ 6.

The crux of Plaintiff’s argument is that Judge Staton, having dismissed this action and denied previous motions, must therefore be prejudiced or biased against Baah. *See* Mot. at 2. However, adverse rulings do not provide grounds for disqualification. Indeed, it is well established that “a judge’s prior adverse ruling is not sufficient cause for recusal.” *Studley*, 783 F.2d at 939; *see also Liteky*, 510 U.S. at 555 (“[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality recusal motion.”). Plaintiff does not offer any further details other than previous denials of his requests and arguments that would warrant disqualification.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 15-02008-JLS (JCGx)

Date: March 10, 2020
Page 3

Based on the foregoing, the Court finds no reasonable person with knowledge of all the facts would conclude Judge Staton's "impartiality might reasonably be questioned." *Hernandez*, 109 F.3d at 1453–54. Accordingly, the Court **DENIES** the Motion.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kd

MINUTES FORM 11
CIVIL-GEN



APPENDIX G

MIME-Version:1.0 From: d_ecfmail@cacd.uscourts.gov To:ecfnef@cacd.uscourts.gov
Message-Id:<29717391@cacd.uscourts.gov>Subject:Activity in Case 8: 8:15-cv-02008-JLS-JCG Alex
Baah v. AT & T West et al Order on Motion for Reconsideration Content-type: text/html

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

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Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer:

WARNING: CASE CLOSED on 11/10/2016

Document Number: 68

Docket Text:

MINUTES (IN CHAMBERS) ORDER DENYING Plaintiff's Motion for Reconsideration (Doc. [55]) by Judge Josephine L. Staton: This matter is closed, and no further filings are permitted. Any further filing will be stricken without the need for Defendants to respond. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp)

8:15-cv-02008-JLS-JCG Notice has been electronically mailed to:

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Jeffrey P Ames james@paulplevin.com, cwebber@paulplevin.com

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Alex Baah

PO Box 17215

Irvine CA 92623

US

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:15-cv-02008-JLS-JCG
Title: Alex Baah v. AT & T West et al.

Date: April 27, 2020

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION (Doc. 55)**

Before the Court is Plaintiff Alex Baah's Motion for Reconsideration.¹ (Doc. 55.) The Court dismissed this action with prejudice on November 10, 2016. (Doc. 33.) On June 15, 2018, Plaintiff filed a Rule 60(b) motion seeking relief from the Court's dismissal order. (Doc. 41.) The Court denied that Rule 60(b) motion as untimely, on September 12, 2018, explaining that the motion was required to have been brought within one year of the dismissal order, which served as the final judgment on the merits of this case.² (Doc. 46.) That order clearly stated "[t]his case shall remain closed and no further filings shall be entertained." (*Id.*) Plaintiff unsuccessfully appealed both the dismissal order and the order denying his Rule 60(b) motion. (*See* Docs. 35, 38, 48, 53.) Plaintiff now seeks reconsideration, purportedly under Federal Rule of Civil Procedure 59(e) and Local Rule 7-18, of the Court's September 12, 2018 order. (Doc. 55.) Because there is

¹ The Court finds this matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Accordingly, the hearing set for May 1, 2020, at 10:30 a.m., is VACATED.

² In both Plaintiff's first Rule 60(b) motion and his instant Rule 59(e) motion he incorrectly asserts that his case was not adjudicated on the merits until January 22, 2018, when the Supreme Court denied his petition for a writ of certiorari regarding his appeal of this Court's November 10, 2016 dismissal order. Doc. 41 at 2-3; Doc. 55 at 3-4; Reply at 5-6, Doc. 67; *see Nevitt v. United States*, 886 F.2d 1187, 1188 (9th Cir. 1989) (expressly holding that "an appeal does not toll the one year period" relevant to Rule 60(b), as it would "unduly impair the finality of judgments").

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:15-cv-02008-JLS-JCG

Date: April 27, 2020

Title: Alex Baah v. AT & T West et al.

no legal basis for Plaintiff's Motion, it is DENIED. *See Flient v. San Francisco Police Dep't*, No. C 06-2366 SBA, 2007 WL 1875888, at *1 (N.D. Cal. June 28, 2007) (citing *Stewart v. U.S. Bancorp.*, 297 F.3d 953, 956 (9th Cir. 2002)) (explaining that a Rule 59(e) motion may not be filed "more than [twenty-eight] days after the entry of judgment"); *Hazeltine v. Hicks*, No. 1:14-cv-00056-DAD-GSA-PC, 2016 WL 5404409, at *1 (E.D. Cal. Sept. 27, 2016), *aff'd sub nom. Hazeltine v. Young*, 793 F. App'x 647 (9th Cir. 2020) (denying second Rule 60(b) motion seeking relief from district court's prior order where the plaintiff again failed to present "newly discovered evidence, [demonstrate the court] committed clear error, or [point to] an intervening change in the controlling law").

Again, **this matter is closed, and no further filings are permitted.** Any further filing will be stricken without the need for Defendants to respond.

Initials of Preparer: tg

APPENDIX H

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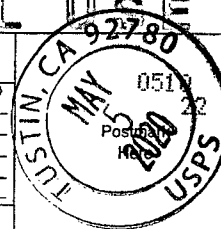
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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Case Name: Alex Baah v. AT & T West et al

Case Number: 8:15-cv-02008-JLS-JCG

Filer: Alex Baah

WARNING: CASE CLOSED on 11/10/2016

Document Number: 69

Docket Text:

NOTICE OF APPEAL to the 9th CCA filed by plaintiff Alex Baah. Appeal of Order on Motion for Reconsideration [66], Order on Motion for Reconsideration, [68] Filed On: 4/6/20 and 4/27/20; Entered On: 4/6/20 and 4/27/20; Filing fee \$ 505 billed. (mat)

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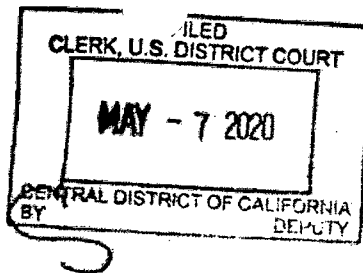
Alex Baah

PO Box 17215

Irvine CA 92623

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Address P.O. BOX 17215
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEX BAAH

PLAINTIFF(S),

v.

AT&T WEST, et al.,

DEFENDANT(S).

CASE NUMBER:

SACV 15-02008 JLS-JCG

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that ALEX BAAH hereby appeals to
Name of Appellant
the United States Court of Appeals for the Ninth Circuit from:

Criminal Matter

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]
☐ Conviction and Sentence
☐ Sentence Only (18 U.S.C. 3742)
☐ Pursuant to F.R.Cr.P. 32(j)(2)
☐ Interlocutory Appeals
☐ Sentence imposed:

☐ Bail status:

Civil Matter

- ☒ Order (specify):
Order Denying Motion For Reconsideration
☐ Judgment (specify):
☒ Other (specify):
(1) Order Denying Motion For
Reconsideration (Doc.55) (2) Order Denying
Reconsideration For Disqualification

Imposed or Filed on 5/05/2020. Entered on the docket in this action on 4/27/2020. (2) 4/06/2020

A copy of said judgment or order is attached hereto.

5/05/2020

Date


Signature

☒ Appellant/ProSe ☐ Counsel for Appellant ☐ Deputy Clerk

Note: The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

APPENDIX I

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX BAAH,

Plaintiff-Appellant,

v.

AT&T INC.; et al.,

Defendants-Appellees.

No. 20-55515

D.C. No. 8:15-cv-02008-JLS-JCG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted May 18, 2021**

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

Alex Baah appeals pro se from the district court's April 27, 2020 post-judgment order denying his motion for relief from judgment in his employment action. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion in denying reconsideration because Baah failed to demonstrate any basis for relief. *See* Fed. R. Civ. P. 59(e), 60(b)-(d); *Sch. Dist. No. 1J*, 5 F.3d at 1262-63 (setting forth grounds for reconsideration).

We do not consider the district court's post-judgment orders (1) denying Baah's motion for disqualification and (2) denying reconsideration of the order denying disqualification, because the notice of appeal is untimely as to those orders. *See* Fed. R. App. P. 4(a)(1)(A) (notice of appeal must be filed with the district clerk within 30 days after entry of judgment or order appealed from).

We do not consider Baah's contentions concerning his prior appeals, Nos. 16-56793 and 18-56358.

AFFIRMED.

APPENDIX J

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

AUG 24 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX BAAH,

Plaintiff-Appellant,

v.

AT&T INC.; et al.,

Defendants-Appellees.

No. 20-55515

D.C. No. 8:15-cv-02008-JLS-JCG
Central District of California,
Santa Ana

ORDER

Before: CANBY, FRIEDLAND, and VANDYKE, Circuit Judges.

Baah's petition for panel rehearing (Docket Entry No. 19) is denied.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 01 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALEX BAAH,

Plaintiff - Appellant,

v.

AT&T INC.; et al.,

Defendants - Appellees.

No. 20-55515

D.C. No. 8:15-cv-02008-JLS-JCG
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered June 01, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: David J. Vignol
Deputy Clerk
Ninth Circuit Rule 27-7