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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-1858

JOHN E. REARDON, Appellant

v.

GOVERNOR PHIL MURPHY; ATTORNEY GENERAL GURBIR S. GREWAL; B. SUE FULTON; JUDGE JOHN MCCEELEY; JUDGE ROBERT ZANE; JUDGE GEORGE SINGLEY; JUDGE JOHN MORRELL; KRISDEN MCCRINK; JUDGE RYAN TRABOSH; PROSECUTOR ANDREW VIOLA; PROSECUTOR ROBERT GLEANER; PROSECUTOR STEVEN PETERSON; PROSECUTOR DANIEL LONG; PROSECUTOR MICHAEL JOYCE; PROSECUTOR MA THEW GINDELLE; SENATOR DAWN MARIE ADDIEGO; SENATOR JAMES BEACH; SENATOR FRED MADDEN; ASSEMBLYWOMAN MARIA GREGG; ASSEMBLYMAN JOE HOWARTH; PROSECUTOR LAWRENCE LUONGO; JUDGE ZONIES; PROSECUTOR RICHARD DEMICHELE; PAUL DOUGHERTY, Prosecutor

(D.C. Civil Action No. 1:18-cv-11372)
SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and NYGAARD,* Circuit Judges

* Pursuant to Third Circuit 1.O.P. 9.5.3, Judge Richard L. Nygaard's vote is limited to panel rehearing.

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Date Filed: 09/27/2022

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the peti

-tion for rehearing by the panel and the Court en bane, is denied.

BY THE COURT,

s/ Richard L. Nygaard
Circuit Judge

Dated: September 27, 2022 kr/cc: John E. Reardon Matthew B. Wieliczko, Esq. A.

Michael Barker, Esq. Stuart A. Platt, Esq.

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JOHN E. REARDON.,

Plaintiff, Civil No. 18-11372 (RBK/AMD) ORDER

v.

Order

MURPHY, et al., Defendants.

KUGLER United States District Judge:

THIS MATTER comes before the Court upon Plaintiff's Motion for Recusal (ECF No. 168); and

THE COURT NOTING on May 1, 2020, we entered an Order prohibiting Plaintiff from filing any motions in this case without leave of the Court. (ECF No. 130, "May I Order"). The Order required Plaintiff to file a letter with the Court of no more than two ordinary typed pages, setting forth valid reasons why the Court should allow the motion to be filed; and

THE COURT FfRTHER OBSERVING

Plaintiff submitted a 3-page letter on August 31, 2021 (ECF No. 166), in an attempt to comply with the Court's May 1 Order. In that letter, Plaintiff requested that the undersigned "re-consider your prior refusal to recuse yourself and to set aside all orders entered by" this Court "which are clearly abusive and subject to reversal on appeal based on the requirements for recusal review "

Plaintiff then filed an additional letter (ECF No. 167) and a 50-page motion (ECF No. 168) seeking recusal, both of which contain various conclusory and largely incoherent arguments; and

THE COURT FINDING that Plaintiff has continually flouted this Court's May 1 Order by filing a motion without leave of the Court and by filing multiple letters that are largely frivolous and incomprehensible; and

THE COURT FURTHER FINDING that as with his previous motion for recusal (ECF No. 104), which this Court dismissed with prejudice, Mr. Reardon's general and conclusory allegations of bias in his August 31 letter (ECF No. 166) appear to be largely predicated on this Court's adverse judicial rulings in the instant matter. In our previous Order, we noted that "[j]udicial rulings 'almost never constitute a valid basis for bias or partiality motion].]" (ECF No. 108) (citing Liteky v. United States, 510 U.S. 540, 554 (1994)). Now, as then, we find that these latest allegations do not present a valid basis for recusal under 28 U.S.C. § 144 or 455, and we find no legitimate reason why the Court should allow Mr. Reardon's new Motion for Recusal to be heard; and [He states my allegations are conclusory and some may be but not all. The bulk of the facts are not conclusory and he has done so as to make Mr. Reardon look like he doesn't know what he is doing and am abusing the system.]

IT IS HEREBY ORDERED that to the extent that Plaintiffs letter(s) (ECF Nos.166, 167) can be construed as a request for leave to file a Motion for Recusal, those requests are DENIED, and Plaintiffs Motion for Recusal (Doc. No. 168) is DISMISSED; and

IT IS FURTHER ORDERED that the Clerk of the Court shall mark the above captioned matter as CLOSED.

Dated: 4/4/22 ROBERT B. KUGLER United States District Judge
A86

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
No. 22-1858

JOHN E. REARDON, Appellant
v.

GOVERNOR PIDL MURPHY; ATTORNEY GENERAL GURBIR S. GREWAL; B. SUE FULTON; JUDGE JOHN MCFEELEY; JUDGE ROBERT ZANE; JUDGE GEORGE SINGLEY; JUDGE JOHN MORRELLI; KRISDEN MCCRINK; JUDGE RYAN TRABOSH; PROSECUTOR ANDREW VIOLA; PROSECUTOR ROBERT CLEMTER; PROSECUTOR STEVEN PETERSON; PROSECUTOR DANIEL LONG; PROSECUTOR MICHAEL JOYCE; PROSECUTOR MA THEW GINDELLE; SENATOR DAWN MARIE ADDIEGO; SENATOR JAMES BEACH; SENATOR FRED MADDEN; ASSEMBLYWOMAN MARIA GREGG; ASSEMBLYMAN JOE HOWARTH; PROSECUTOR LA VRENCE LUONGO; JUDGE ZONIES; PROSECUTOR RICHARD DEMICHELE; PAUL DOUGHERTY, Prosecutor

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 1:18-cv-11372)

District Judge: Honorable Robert B. Kugler Submitted Pursuant to Third
Circuit L.A.R. 34.1(a)

August 18, 2022 Before: GREENAWAY, JR., PORTER and NYGAARD, Circuit
Judges

Opinion filed: August 30, 2022) Date Filed: 08/30/2022

OPINION*
PERCURIA.M

John E. Reardon, proceeding pro se, appeals an order of the United States District Court for the District of New Jersey denying his request for leave to file a motion for recusal and dismissing the recusal motion itself. For the following reasons, we will affirm.

Reardon moved for reconsideration following the District Court's dismissal of an action in which he sought to have various traffic laws and regulations deemed unconstitutional. He also filed a motion seeking the recusal of Judge Kugler.

The District Court denied the requests for reconsideration and recusal, and imposed a filing injunction because of Reardon's "vexatious and abusive history of filing "frivolous motions, meritless complaints, and procedurally deficient actions" for more than three decades, see Reardon v. Murphy.

Civil No. 18-11372, 2019 WL 4727940, at *4 (D.N.J. Oct. 21, 2019) " (ECF 130.) The order prohibited Reardon "from filing any future motions in this or any other case without leave of the Court " (Id.)

Reardon did not appeal.

But he continued to file letters and motions in the District Court. Among those submissions was a letter seeking leave to file another motion for recusal (ECF 166), as well as a new recusal motion itself. (ECF 168.) The District Court

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

denied the request for leave to file and dismissed the motion for recusal. (ECF 173.) It concluded that Reardon "has continually flouted this Court's [filing injunction] by filing a motion without leave of the Court and by filing multiple letters that are largely frivolous and incomprehensible[.]" (Id. at 2.) The District Court also determined that Reardon's "general and conclusory allegations of bias[,] [which] ... appear to be largely predicated on this Court's adverse judicial rulings [,] ... do not present a valid basis for recusal under 28 U.S.C. § 144 or 455[.]" (Id.) Reardon timely appealed.¹ (ECF 174.)

We have jurisdiction pursuant to 28 U.S.C. §1291, and may affirm on any basis supported by the record. See *Murray v. Bledsoe*, 650 F.3d 246,247 (3d Cir. 2011) (per curiam).

Setting aside the propriety of the District Court's denial of Reardon's motion for leave to file the recusal motion, we nevertheless conclude that the District Court did not abuse its discretion in determining that Reardon's recusal motion lacked merit. Under 28 U.S.C. § 144, a judge must recuse if a party files a "sufficient affidavit" establishing that the judge has a personal bias or prejudice against the party seeking recusal, or in favor of the adverse party. 28 U.S.C. §144; see also *Jones v. Pittsburgh Nat'l Corp.*, 899 F.2d 1350, 1356 (3d Cir. 1990). A judge must also recuse where the judge's impartiality "might reasonably be questioned." 28 U.S.C. §455(a). A party seeking recusal need not demonstrate that the judge is actually biased, but rather that he would appear to be biased

¹ Reardon's opening brief mainly addresses the District Court's dismissal of his complaint and its imposition of the filing injunction. Those orders were entered on September 27, 2019, and May 1, 2020, respectively. Reardon's notice of appeal, filed on May 3, 2022, is thus untimely as to those orders and we lack jurisdiction to review them.

to "a reasonable person, with knowledge of all the facts." *United States v. Wecht*, 484 F.3d 194, 213 (3d Cir. 2007) (quoting *In re Kensington Int'l Ltd.*, 353 F.3d 211, 220 (3d Cir. 2003)).

In the recusal motion, Reardon generally alleged that Judge Kugler "ignor[ed] all the law cited by the plaintiff that is in his favor and ... repeatedly rul[ed] in favor of the defendants when they are not entitled to the relief that they sought." (ECF 168, at 9.) He also listed numerous examples of rulings that were allegedly made as the result of Judge Kugler's bias. (Id. at 9-14.) But adverse rulings, without more, do not establish that Judge Kugler had a personal bias or prejudice against Reardon, nor do they provide a basis upon which to reasonably question Judge Kugler's impartiality. See *Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000); *Liteky v. United States*, 510 U.S. 540, 555 (1994) (adverse rulings alone generally do not constitute a sufficient basis for holding that a judge's impartiality is in doubt). Accordingly, we conclude that the District Court did not abuse its discretion in rejecting Reardon's recusal motion.

For the foregoing reasons, we will affirm the judgment of the District Court.

See Fed. R. App. P. 4(a)(1)(B); *Bowles v. Russell*, 551 U.S. 205, 207-09 (2007).

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
No. 22-1858

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Appellant
v.

GOVERNOR PHIL MURPHY; ATTORNEY GENERAL GURBIR S. GREWAL; B. SUE FULTON; JUDGE JOHN MCFEELEY; JUDGE ROBERT ZANE; JUDGE GEORGE SINGLEY; JUDGE JOHN MORRELLI; KRISDEN MCCRINK; JUDGE RYAN TRABOSH; PROSECUTOR ANDREW VIOLA; PROSECUTOR ROBERT GLEANER; PROSECUTOR STEVEN PETERSON; PROSECUTOR DANIEL LONG; PROSECUTOR MICHAEL JOYCE; PROSECUTOR MATHEW GINDELLE; SENATOR DAWN MARIE ADDIEGO; SENATOR JAMES BEACH; SENATOR FRED MADDEN; ASSEMBLY-WOMAN MARIA GREGG; ASSEMBLYMAN JOE HOWARTH; PROSECUTOR LA WRENCE LUONGO; JUDGE ZONIES; PROSECUTOR RICHARD DEMICHELE; PAUL DOUGHERTY, Prosecutor

On Appeal from the United States District Court
for the District of New Jersey

(D.C. Civil Action No. 1:18-cv-11372)
District Judge: Honorable Robert B. Kugler
Submitted Pursuant to Third Circuit L.A.R. 34.1(a)

August 18, 2022

Before: GREENAWAY, JR., PORTER and NYGAARD, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on August 18, 2022. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered April 5, 2022, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit--Clerk

Dated: August 30, 2022

**Additional material
from this filing is
available in the
Clerk's Office.**