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APPENDIX A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MATTERS – GENERAL

D.C. No. 2:18-cv-098604-CJC (ADS)

CONSTANTINO BASILE, an individual,

Petitioner

v.

THE LOS ANGELES FILM SCHOOL, LLC.
ET AL.

Respondents

November 8, 2021

Proceedings: IN CHAMBERS · ORDER
DENYING MOTION TO RECONSIDER COURT'S
ORDER STRIKING PLAINTIFF'S RECUSAL
MOTION AND MOTION FOR RELIEF FROM
VEXATIOUS LITIGANT ORDER [237]

Before · HONORABLE CORMAC J. CARNEY,
UNITED STATES DISTRICT JUDGE

Presently before the Court is Plaintiff's Motion to Reconsider the Court's Order Striking Plaintiff's Motion to Recuse Judge Carney, Judge Staton, and Magistrate Judge Spaeth and Motion for Relief from the Court's Vexatious Litigant Order. The Court has reviewed Plaintiff's motion and reviewed the record in this matter. Under Local Rule 7-18, a motion for reconsideration is proper when the movant presents "(a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered." Plaintiff has not made a showing that any of these factors are met. The Court DENIES his motion to reconsider. Again, this is a closed case. It was dismissed with prejudice, and Plaintiff has been declared a vexatious litigant. (*See* Dkts. 185-186.) The Ninth Circuit affirmed the Court's dismissal and vexatious litigant order. (*See* Dkt. 213.) Judge Staton also struck Plaintiff's previous motion to disqualify Judge Carney and Magistrate Judge Spaeth. (Dkt. 219.) Plaintiff appealed this decision, and the Ninth Circuit denied the appeal as frivolous. (Dkt. 230.) There is nothing left to decide in this case.

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APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 21-56266
D.C. No. 2:18-cv-098604-CJC (ADS)

CONSTANTINO BASILE, an individual,
Petitioner
v.

THE LOS ANGELES FILM SCHOOL,
LLC, DBA The Los Angeles Film School; et
al.,

Defendants

Submitted January 18, 2023

Before: GRABER, PAEZ, and NGUYEN, Circuit
Judges. Before: GRABER, PAEZ, and NGUYEN,
Circuit Judges.

* 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).

Constantino Basile appeals pro se from the district court's post-judgment orders striking his motion for recusal and denying his motions for reconsideration. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Preminger v. Peake*, 552 F.3d 757, 769 n.11 (9th Cir. 2008) (district court's management off its own docket); *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (motion for reconsideration). We affirm.

The district court did not abuse its discretion by striking Basile's motion for disqualification because the motion was duplicative and failed to establish extrajudicial bias or prejudice. *See* 28 U.S.C. § 455 (setting forth circumstances requiring disqualification); *United States v. Hernandez*, 109 F.3d 1450, 1453-54 (9th Cir. 1997) (under § 455, the substantive standard for recusal is whether "a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned" (citation and internal quotation mark omitted)).

The district court did not abuse its discretion in denying Basile's motions for reconsideration because Basile set forth no valid grounds for reconsideration. *See Sch. Dist. No. 1J*, 5 F.3d at 1262-63 (9th Cir. 1993) (setting forth grounds for reconsideration under Federal Rules of Civil Procedure 59 and 60). Basile's motions to transmit exhibits (Docket Entry Nos. 3 & 4) are denied.

Defendant City of Beverly Hills's request for an order to show cause why sanctions should not be imposed, as set forth in its answering brief, is denied.

AFFIRMED.