No.

IN THE SUPREME COURT OF THE UNITED STATES

STUART SEUGASALA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The federal recusal statute, 28 U.S.C. § 455(a), provides that "[a]ny justice, judge, or [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." The question presented is whether section 455(a) requires judges to disclose information that the parties might reasonably find pertinent to a potential motion for disqualification.

PARTIES TO THE PROCEEDING BELOW

(1) Stuart Seugasala (Defendant-Appellant); and

(2) United States of America (Plaintiff-Appellee)

RELATED PROCEEDINGS

(1) United States District Court, District of Alaska; *United States v. Seugasala*, No. 3:13-cr-00092-RRB (December 19, 2023 & May 30, 2024)

(2) United States Court of Appeals for the Ninth Circuit; *United States v. Seugasala*, Nos. 24-44 & 24-4235 (April 20, 2026)

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I. DECISION BELOW

The court of appeals issued a memorandum decision at *United States v. Seugasala*, 2026 U.S. App. LEXIS 11087 (9th Cir. 2026).

II. JURISDICTION

The court of appeals filed its decision on April 20, 2026. *See* App. 1-4.[1] The court of appeals denied rehearing on August 12, 2026. App. 5. This Court has jurisdiction under 28 U.S.C. § 1254(1).

III. STATUTORY PROVISION

28 U.S.C. § 455(a) provides: "Any justice, judge, or [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

IV. STATEMENT OF THE CASE

A. PRELIMINARY STATEMENT.

In this drug, gun, and kidnapping prosecution, District Judge Ralph R. Beistline concealed the fact that he personally knew an unindicted co-conspirator—Ricky Sierer, Mr. Seugasala's cousin—who arranged the violent kidnapping at the heart of the case. It is undisputed that Sierer not

[1]As used herein, App. refers to Petitioner's consecutively-paginated Appendix; "ER" to Mr. Seugasala's Excerpts of Record before the Ninth Circuit; "CR" to the district court Clerk's Record; and "ACMS No." to the Ninth Circuit's docket.

only socialized with Judge Beistline's daughter, but also that Sierer visited the Beistline home and even knew the judge himself.

Judge Beistline knew these facts while presiding over Mr. Seugasala's trial, sentencing, and habeas proceedings, but he never once alerted the parties. Through sheer luck, Mr. Seugasala learned of this history approximately a decade after his conviction, at which time he promptly sought relief, arguing that Judge Beistline should have disclosed his relationship with Sierer and recused himself from the case.

Judge Beistline disagreed, as did the court of appeals. Respectfully, the Ninth Circuit mishandled an important question of recusal law that divides the circuits and states, and did so in a manner that conflicts with relevant pronouncements by this Court: whether Judge Beistline should, at a minimum, have *disclosed* his relationship with Sierer. Sup. Ct. R. 10.

B. JUDGE BEISTLINE NEVER DISCLOSED HIS TIES TO THE UNINDICTED CO-CONSPIRATOR WHO ARRANGED THE ARMED KIDNAPPINGS FOR WHICH MR. SEUGASALA IS SERVING A *DE FACTO* LIFE SENTENCE.

The defining conduct in Mr. Seugasala's case has always been the charged kidnappings, in which Mr. Seugasala and his co-defendants lured two individuals to an apartment under false pretenses to collect a drug debt, held them against their will, and sodomized them with a curling iron. *See* 3-ER-369. This appeal involves the troubling revelation that Judge

Beistline personally knew the unindicted co-conspirator who arranged the kidnappings—Sierer—because, among other ties, Sierer dated Judge Beistline's daughter. *See* 3-ER-383-84; 2-ER-176-77.[2]

1. MR. SEUGASALA'S TRIAL WAS SATURATED WITH REFERENCES TO SIERER'S INVOLVEMENT AS AN UNINDICTED CO-CONSPIRATOR.

Although Sierer was neither indicted nor called as a trial witness, he played a prominent role in the events of this case. As early as its trial brief, the government identified "Seugasala's cousin"—*i.e.*, Sierer—as the middleman from Fairbanks who connected the victims with the defendants in Anchorage. 2-ER-197.

In its opening statement, the government identified Sierer by name, reaffirming its theory that Sierer set up the victims—Courtney Guy and Isaac Sample—by misleading Guy to believe that he "was going to . . . get drugs from Seugasala to bring back to [] Sierer[.]" *See* 2-ER-95-101. In fact, the real plan, as noted, was armed debt collection. *Id.* To establish Sierer's involvement in these events, the government introduced a photograph of Sierer, as well as phone records reflecting numerous

[2]In the underlying criminal case, the district court had jurisdiction under 18 U.S.C. § 3231.

communications between Sierer and Mr. Seugasala on the day of the kidnappings. 2-ER-102-09.

Cooperating witness Timothy Miller identified Sierer as a participant in the kidnappings, and recalled that Mr. Seugasala spoke on the phone with Sierer during those events. 2-ER-110-19. In addition, Miller implicated Sierer as an armed participant in the drug trafficking conspiracy more generally, asserting that he (Miller) sold drugs in Fairbanks through Sierer, and that Sierer supplied Mr. Seugasala with a gun. *Id.*

Guy similarly testified that he met Mr. Seugasala through Sierer, and that Sierer was "involved in drug trafficking[.]" 2-ER-120-35. Guy further confirmed that on the day of the kidnappings, Sierer asked him to meet up with Mr. Seugasala in Anchorage under the false premise of acquiring drugs to "bring [them] back" to Sierer in Fairbanks. *Id.* During the kidnapping, Guy overheard Sierer calling Guy's telephone, which Mr. Seugasala answered. *Id.*

The other kidnapping victim, Sample, corroborated that Sierer was Guy's acquaintance. 2-ER-136-41.

Mr. Seugasala testified in his own defense, and he too joined the chorus that Sierer served as the go-between for the victims and the defendants on the day in question. 2-ER-142-56.

In summation, the parties yet again agreed that Sierer performed an essential role in arranging the charged kidnappings. 2-ER-157-61.

Despite presiding over all of this trial evidence, Judge Beistline never once mentioned that he personally knew Sierer. *Cf.* 2-ER-176-77. The same was true when Judge Beistline sentenced Mr. Seugasala to life imprisonment after his convictions. Clerk's Record ("CR") 563, 719.

2. MR. SEUGASALA'S SECTION 2255 PROCEEDINGS, INCLUDING RESENTENCING, INVOLVED EVEN MORE MATERIAL FACTS REGARDING SIERER AND HIS FAMILY.

After he lost his direct appeal, Mr. Seugasala filed a motion for post-conviction relief under 28 U.S.C. § 2255. CR 893, 1061. In support of that motion, Mr. Seugasala submitted declarations attesting that Sierer's parents—Mr. Seugasala's aunt and uncle—were a significant source of trauma and abuse during his childhood, thus bringing the Sierer family yet again into this case. 2-ER-181-93.

After the district court granted partial relief on an unrelated issue and ordered resentencing, CR 1074, Mr. Seugasala submitted a 54-page forensic psychological report corroborating in disturbing detail that the Sierers—including Ricky, his sister Jacqueline, their parents, and others—"demonstrate a continuation of [a] legacy of family dysfunction[,]" much of

which was abusive and traumatic to Mr. Seugasala as a child. 3-ER-382-84, 388, 399, 401-02, 406-07.

Shortly before his December 2023 resentencing, Mr. Seugasala obtained information, for the first time, connecting Sierer to Judge Beistline's daughter. 2-ER-178-80. Although Mr. Seugasala attempted to corroborate that information prior to resentencing, he was unable to do so. *Id.*

On the record at that time, Judge Beistline sentenced Mr. Seugasala to 840 months, and Mr. Seugasala appealed. 1-ER-13-19; 2-ER-239-41.

3. RULE 60(b) PROCEEDINGS.

In early 2024, Sierer surfaced and confirmed under penalty of perjury, *inter alia*, that:

- He dated T.B., the daughter of Judge Beistline, on and off for a few years, beginning when they were in high school;
- While he was dating T.B., Sierer went to the Beistline home and even stayed there;
- Sierer knew the presiding judge, and the two were friendly;
- Sierer still talks to T.B. if he sees her out in the community; and
- Sierer's sister Jacqueline is close to the presiding judge through church.

See 2-ER-176-77.

Based on this information, Mr. Seugasala filed a Fed. R. Civ. P. 60(b) motion asserting that Judge Beistline's failure to recuse himself under 28 U.S.C. § 455(a) constituted a fatal defect in the section 2255 proceedings, including his resentencing. 2-ER-84-180; *United States v. Martin*, 226 F.3d 1042, 1048 (9th Cir. 2000) (district court's section 2255 order "is not final until the court resentences" the defendant).[3]

On May 30, 2024, Judge Beistline issued a ten-page order confirming that he did, in fact, know Ricky and Jacqueline Sierer, but concluding that relief was unwarranted. 1-ER-2-11. First, Judge Beistline ruled that even if Sierer's declaration were "completely accurate[,]" it did "not set forth a basis for recusal" under the controlling legal standards applicable to the appearance of bias. 1-ER-8. Second, the court disputed Sierer's recitation of facts, concluding that Sierer described "close relationships" whereas Judge Beistline recalled only "casual acquaintances." 1-ER-9-11. For ease

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[3]Given the procedural posture of Mr. Seugasala's case, his Rule 60(b) motion asked for as much relief as he reasonably believed he could ask for in good faith. Nonetheless, if recusal was warranted for the post-conviction proceedings, the same was true for trial. The Ninth Circuit recognized that Mr. Seugasala's claim for relief implicated Judge Beistline's role as the presiding judge in the "trial, resentencing, and habeas proceedings[.]" App. at 2.

of reference, Mr. Seugasala block quotes the district court's factual assertions, as follows:

> To the best of the undersigned's recollection, the only knowledge or contact the undersigned ever had with R.S. occurred in the early to mid-1990s while the undersigned was residing in Fairbanks, Alaska. Two of the undersigned's five children attended high school with R.S. The only time the undersigned recalls ever seeing and speaking with R.S. occurred in roughly 1994 when R.S. stopped by the family home to visit T.B. The undersigned opened the door, welcomed the young man in, and called for T.B. The interaction probably lasted less than 20 seconds and was very cordial or "friendly." R.S. stayed at the home for a short time and then departed. This is the only in-person contact the undersigned recalls having with R.S., and the only time the undersigned is aware of R.S. being in the family home. The undersigned recalls that R.S. and T.B. socialized for a period of time as high school students, but does not recall any formal 'dating,' such as high school Proms or Balls, and never saw them together other than the incident mentioned above. T.B. graduated from High School in 1996 and, as far as the undersigned knows, had no relationship with R.S. thereafter.
>
> In the roughly 20 years preceding the trial, 13 years of which the undersigned resided in Anchorage as opposed to Fairbanks, the undersigned cannot recall R.S.'s name or that of his family spoken by anyone in any context whatsoever. When R.S.'s name did come up at trial in 2015, while unexpected, it was merely a name from Fairbanks from the distant past and not material in any way as to how the matter proceeded thereafter. Moreover, the undersigned does not know R.S.'s parents, and had no knowledge of their parenting skills or family dynamics. Nor was the undersigned at all aware of the nature of the family's relationship with Defendant.
>
> The one member of the R.S. family that the undersigned did know was R.S.'s sister, J.S. The undersigned met J.S.,

> coincidently, probably in the late 1990s, as part of a church congregation they both attended, thus illustrating the small-town nature of the community. The association was for a relatively short period of time, well over 25 years ago, and dealt solely with church related matters in group church settings. The undersigned has not seen or heard of J.S. in decades and is currently unaware of her whereabouts. Certainly, there was nothing about this long-ago acquaintance that prejudiced Defendant in any way.

1-ER-9-10.

For good measure, the court also concluded that nothing in the record indicated actual, as opposed to apparent, bias against Mr. Seugasala. 1-ER-11.

4. THE NINTH CIRCUIT APPROVED OF JUDGE BEISTLINE'S FAILURE TO DISCLOSE HIS RELATIONSHIP WITH SIERER, MINIMIZED SIERER'S ROLE IN THIS CASE, AND DOWNPLAYED SIERER'S CONNECTION TO JUDGE BEISTLINE.

On appeal, Mr. Seugasala argued that Sierer's sworn version of events warranted recusal. ACMS No. 14.1 at 19-22. He noted that Judge Beistline personally knew an unindicted co-conspirator in this violent drug trafficking case, and that co-conspirator's sister, both of whom are the defendant's cousins. *Id.* Moreover, Sierer was romantically involved with the judge's daughter for years, was friendly with the judge himself, and even stayed at the Beistline family home. *Id.* Mr. Seugasala argued that any jurist in Judge Beistline's shoes could easily, even if unintentionally,

have adopted a harsher stance toward Mr. Seugasala to mitigate the psychological discomfort arising out of his family's association with Sierer. *Id.*

Additionally, Mr. Seugasala argued that recusal was warranted even accounting for Judge Beistline's version of events. *Id.* at 22-25. Judge Beistline agreed that he had "cordial" interactions with Ricky and Jacqueline Sierer, and that Ricky socialized with his daughter. *Id.* Moreover, Judge Beistline's factual assertions gave an eyebrow-raising level of detail on certain topics, suggesting a "protest too much" approach that strained credulity and suggested something amiss. *Id.*

Notably, Mr. Seugasala also asked the panel to hold that Judge Beistline erred in failing to *disclose* his familial relationships with the Sierers. *Id.* (collecting authorities). Mr. Seugasala argued that a lack of proactive transparency undermines confidence in the judiciary by suggesting that there is something to hide. *Id.* Moreover, the disclosure of potential grounds for disqualification—even if the judge does not think recusal is ultimately warranted—allows the parties to inquire further, object, and/or waive any potential conflict. *Id.* Mr. Seugasala thus asked the panel to find that Judge Beistline erred in failing to disclose his familial association with the Sierers. *Id.*

The court disagreed. Although it acknowledged in passing that Judge Beistline's "personal relationship" with Sierer was "undisclosed[,]" the panel never grappled with the import of nondisclosure. App. at 2. On the merits, the panel downplayed Sierer's role in this case, as well as his relationship with the Beistlines, ruling conclusorily that "Judge Beistline properly exercised his discretion when he held that a reasonable person would conclude that his minimal contacts with the witness would not jeopardize his impartiality." App. at 3.

V. ARGUMENT

A. THIS CASE PRESENTS A UNIQUE VEHICLE TO ADDRESS AN ISSUE OF GREAT IMPORTANCE TO THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS: WHEN JUDGES SHOULD DISCLOSE POTENTIAL BASES FOR RECUSAL THAT ARE UNKNOWN TO THE PARTIES.

As noted, section 455(a) provides that "[a]ny justice, judge, or [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Canon 3(C)(1) of the Code of Conduct for United States Judges similarly instructs that "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned[.]" As the Ninth Circuit has observed, section 455 "is directed

to the judge, rather than the parties, and is self-enforcing on the part of the judge." *United States v. Sibla*, 624 F.2d 864, 867-68 (9th Cir. 1980).

Section 455 was adopted in 1948, and it has not been amended since 1988. *Id.* In the intervening decades, a growing national trend has developed in favor of enhanced transparency regarding potential bases for recusal that are known only to the presiding judge, and this case presents an opportunity to update and harmonize federal law. Central to these developments is the American Bar Association's adoption of a rule that would support disclosure in Mr. Seugasala's case: it provides that "[a] judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification." ABA Model Code of Judicial Conduct Canon 2.11, cmt. 5. By Mr. Seugasala's count, 38 states have adopted this rule either verbatim or in substantial part, with at least one jurisdiction—California—mandating such disclosures on a non-discretionary basis.[4]

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[4]Alaska Canon 3E(1), cmt.; Arizona Rule 2.11, cmt. 5; Arkansas Rule 2.11, cmt. 5; California Canon 3E(2)(a); Colorado Rule 2.11, cmt. 5; Florida Canon 3E(1), cmt.; Georgia Rule 2.11, cmt. 2; Idaho Rule 2.11, cmt. 5; Illinois Rule 2.11, cmt. 5; Indiana Rule 2.11, cmt. 5; Iowa Rule 51:2.11, cmt. 5; Kansas Rule 2.11, cmt. 5; Kentucky Rule 2.11, cmt. 5; Maryland Rule 18-102.11, cmt. 4; Massachusetts Rule 2.11, cmt. 5; Minnesota Rule 2.11, cmt.

The federal judiciary, by contrast, appears to lag far behind its state court counterparts in encouraging (or requiring) judges to transparently disclose potential grounds for disqualification. As far as Mr. Seugasala can tell, only the Seventh Circuit has held that section 455 "places on the judge a personal duty to disclose on the record any circumstances that may give rise to a reasonable question about his impartiality." *United States v. Murphy*, 768 F.2d 1518, 1537 (7th Cir. 1985). Without explicitly mandating a disclosure requirement, this Court has similarly emphasized the importance of judges "carefully examin[ing] possible grounds for disqualification and [] promptly disclos[ing] them when discovered." *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 868 (1988).

The Court should grant review in Mr. Seugasala's case and adopt *Murphy*'s rule, thus requiring judges to proactively disclose possible grounds for disqualification, even if the judge does not believe that recusal

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5; Mississippi Canon 3E(1), cmt.; Montana Rule 2.12, cmt. 5; Nebraska Section 5-302.11, cmt. 5; Nevada Rule 2.11, cmt. 5; New Hampshire Rule 2.11, cmt. 5; New Jersey Rule 3.17(C); New Mexico Rule 21-211, cmt. 8; North Dakota Rule 2.11, cmt. 6; Ohio Rule 2.11, cmt. 5; Oklahoma Rule 2.11, cmt. 5; Pennsylvania Rule 2.11, cmt. 5; Rhode Island Rule 2.11, cmt. 5; South Carolina Canon 3E(1), cmt.; South Dakota Canon 3E(1), cmt.; Tennessee Rule 2.11, cmt. 5; Utah Rule 2.11, cmt. 5; Vermont Rule 2.11, cmt. 5; Virginia Canon 1.D.4; Washington Rule 2.11, cmt. 5; West Virginia Rule 2.11, cmt. 5; Wisconsin SCR 60.04(4), cmt; Wyoming Rule 2.11, cmt. 5; District of Columbia Rule 2.11, cmt. 5.

will ultimately be warranted. After all, section 455(a) is concerned with the appearance of impartiality. *See* 28 U.S.C. § 455(a). In a recusal regime that is largely self-enforcing on the part of the judge, what better way to foster the appearance of justice than to encourage—if not mandate—the proactive disclosure of information that the parties have no other way of knowing?

It is indefensible that Mr. Seugasala was required to learn of Sierer's personal relationship with the presiding judge, by accident, ten years after he was convicted and sentenced to life in prison. Moreover, Judge Beistline's intentional nondisclosure cuts against the credibility of his version of historical events. It also erodes public confidence in the integrity of the federal courts. Finally, nothing about full disclosure, in and of itself, would mandate that recusal necessarily has to occur in any given case; it would simply promote the appearance of fair, evenhanded decision making by placing all of the relevant facts on the record and letting the chips fall where they may.

The court of appeals erred by reaching a contrary result in this case. The Court should grant certiorari to align federal practice with the foregoing authorities, and thus err on the side of transparency.

B. THE ERROR IN THIS CASE WAS NOT HARMLESS.

Judge Beistline's nondisclosure was not harmless. On the contrary, Judge Beistline should have reassigned Mr. Seugasala's case to a different judge.

In contrast to the Ninth Circuit's sanitized description of Sierer as a mere "witness," the government's own evidence established that Sierer was an unindicted co-conspirator who was involved not only in the armed drug trafficking at issue in the case, but also in the brutal kidnappings that will forever define these proceedings. App. at 3. Reading the court of appeals's decision standing alone, however, one might wrongly conclude that Sierer was little more than a casual observer of a benign event marginally related to the case. *Id.*

The same is true for the panel's dismissal of Judge Beistline's relationship with the Sierers as "minimal contacts." *Id.* Although Judge Beistline arguably described minimal contacts—if his powers of memory truly permitted him to recall an isolated 20-second interaction from 1994, *see supra*—Sierer recalled a far more substantial relationship, and indeed one which any reasonable litigant in Mr. Seugasala's shoes would want disclosed. The Ninth Circuit, however, never even acknowledged Sierer's version of events, let alone identified which account it credited in denying

relief. App. at 2-4. Mr. Seugasala asks the Court to hold that when an unindicted co-conspirator has declared under penalty of perjury that he dated the presiding judge's daughter for years, slept at the judge's house, and was personally acquainted with the judge himself, recusal should be uncontroversial.

VI. CONCLUSION

The Court should grant this petition for a writ of certiorari.

Respectfully submitted,

Dated: November 10, 2026

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APPENDIX

NOT FOR PUBLICATION

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. STUART T. SEUGASALA, AKA Tone, Defendant - Appellant.	No. 24-44 D.C. No. 3:13-cr-00092-RRB-1 MEMORANDUM*
UNITED STATES OF AMERICA, Plaintiff - Appellee, v. STUART T. SEUGASALA, AKA Tone, Defendant - Appellant.	No. 24-4235 D.C. No. 3:13-cr-00092-RRB

Appeal from the United States District Court
for the District of Alaska
Ralph R. Beistline, District Judge, Presiding

Submitted April 17, 2026**
Portland, Oregon

* 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).

Before: OWENS, VANDYKE, and SUNG, Circuit Judges.

Defendant Stuart Seugasala appeals the district court's denial of his motion for relief from judgment under Federal Rule of Civil Procedure 60(b). His Rule 60(b) motion asked the district court to vacate its prior order partially denying his 28 U.S.C. § 2255 motion to vacate his convictions for drug trafficking, kidnapping, and firearms offenses. On appeal, Defendant argues that the district court judge, Judge Ralph Beistline, abused his discretion when he declined to recuse himself from Defendant's trial, resentencing, and habeas proceedings based on Judge Beistline's undisclosed personal relationship with a witness in the case. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742. We affirm.

We review a district court's grant of relief from judgment under Federal Rule of Civil Procedure Rule 60(b) for abuse of discretion. *Hall v. Haws*, 861 F.3d 977, 984 (9th Cir. 2017). We also review a judge's decision not to recuse himself for abuse of discretion. *United States v. McTiernan*, 695 F.3d 882, 891 (9th Cir. 2012).

1. Defendant argues that the district court violated Federal Rule of Civil Procedure 62.1(a) when it denied his Rule 60(b) motion on jurisdictional grounds and subsequently issued an indicative ruling explaining that it would deny the motion on the merits once it regained jurisdiction. *See* Fed. R. Civ. P. 62.1(a) (If a party files a motion "that the court lacks authority to grant because of an appeal

that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion [on its merits]; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue."). Assuming Defendant is correct that the district court committed procedural error, that error was harmless. Indeed, Defendant argues that "practically speaking, the court's [denial on jurisdictional grounds and indicative ruling] operated as a deferral." Rule 62.1(a)(1) expressly authorizes a district court to defer consideration of a motion. *See* Fed. R. Civ. P. 62.1(a)(1). An effective deferral therefore could not have prejudiced Defendant. Thus, any procedural error the district court committed was harmless and does not justify vacating the district court's order denying the Rule 60(b) motion.

2. To determine whether Judge Beistline had a duty to recuse himself under 28 U.S.C. § 455(a), we evaluate "whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." *United States v. Holland*, 519 F.3d 909, 913 (9th Cir. 2008) (citation omitted). Conducting "an independent examination of the unique facts and circumstances" present here, *id.* (citation omitted), Judge Beistline properly exercised his discretion when he held that a reasonable person would conclude that his minimal contacts with the witness would not jeopardize his impartiality. He

therefore did not abuse his discretion when he declined to recuse himself from Defendant's criminal proceedings.

Because there was no failure to recuse, Judge Beistline did not abuse his discretion when he determined that the witness's declaration was not newly discovered evidence that could have changed the outcome of the case. *See* Fed. R. Civ. P. 60(b)(2); *Jones v. Aero/Chem Corp.*, 921 F.2d 875, 878 (9th Cir. 1990) (noting that relief under Rule 60(b)(2) is warranted if a movant presents newly discovered evidence that is "of such magnitude that production of it earlier would have been likely to change the disposition of the case.") (citation omitted). Nor did Judge Beistline abuse his discretion when he determined that the witness's declaration did not create "extraordinary circumstances" justifying relief from judgment under Rule 60(b)(6). *See Martinez v. Shinn*, 33 F.4th 1254, 1262 (9th Cir. 2022) ("A movant seeking relief under Rule 60(b)(6) is required to show 'extraordinary circumstances' justifying the reopening of a final judgment.") (quotation omitted).

AFFIRMED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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U.S. COURT OF APPEALS

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. STUART T. SEUGASALA, AKA Tone, Defendant - Appellant.	No. 24-44 D.C. No. 3:13-cr-00092-RRB-1 District of Alaska, Anchorage ORDER
UNITED STATES OF AMERICA, Plaintiff - Appellee, v. STUART T. SEUGASALA, AKA Tone, Defendant - Appellant.	No. 24-4235 D.C. No. 3:13-cr-00092-RRB District of Alaska, Anchorage

Before: OWENS, VANDYKE, and SUNG, Circuit Judges.

The panel has voted to deny Appellant's petition for panel rehearing and petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 40.

Appellant's petition for panel rehearing and petition for rehearing en banc are DENIED.