

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 6 2024

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

DEFENSE FOR CHILDREN
INTERNATIONAL-PALESTINE, et al.;

Plaintiffs - Appellants,

v.

JOSEPH R. BIDEN, President of the United
States, et al.;

Defendants - Appellees,

A JEWISH VOICE FOR PEACE, INC., et
al.;

Amici Curiae.

No. 24-704

ORDER

Before: R. NELSON, Circuit Judge.

Appellants have moved to disqualify me from participation in this case based on my attendance at a judicial education conference in Israel in March. Appellants do not allege any basis for mandatory recusal. And they assert that there is no basis to believe any bias requires recusal. Appellants request recusal for two reasons. First, they cite certain facts that, in their view, may reasonably cause my impartiality to be questioned. *See* 28 U.S.C. § 455(a). And second, they claim that I may have

“personal knowledge of disputed evidentiary facts concerning the proceeding.” *See id.* § 455(b)(1).

I find no support for recusal based on § 455(b)(1). As to § 455(a), Appellants rely solely on comments made by others. They cite no comments I have made about any issues related to this case. Thus, it is far from certain that an objective observer would reasonably question my impartiality. That said, out of an abundance of caution, the best course in this specific case (which may not apply in other cases) is to recuse. I therefore recuse from participation in this case.

GRANTED.