

FEB 29 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TANH HUU LAM,

Defendant - Appellant.

No. 15-10121

D.C. No. 2:97-cr-00054-WBS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
William B. Shubb, District Judge, Presiding

Submitted February 24, 2016**

Before: LEAVY, FERNANDEZ, and RAWLINSON, Circuit Judges.

Tanh Huu Lam appeals pro se from the district court's denial of his motion for recusal under 28 U.S.C. § 455(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Citing prior statements and rulings by the district court in his case, Lam argues that the district judge should have granted his motion for recusal. We review the district court's denial of a recusal motion for abuse of discretion. *See United States v. McTiernan*, 695 F.3d 882, 891 (9th Cir. 2012). The district court did not abuse its discretion in denying Lam's motion because the motion was unsupported by evidence that would cause "a reasonable person with knowledge of all the facts" to question the judge's impartiality. *See id.* (internal quotations omitted); *see also United States v. Rangel*, 697 F.3d 795, 804 (9th Cir. 2012) (judge's conduct during the course of the case does not provide a basis for recusal "except in the rarest of circumstances" (internal quotations omitted)).

Lam's motion to certify a question of law to this court is denied.

AFFIRMED.