

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2021

FOR THE NINTH CIRCUIT

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

AZARIAH M. ELLINGTON; MITCHELL
D. ELLINGTON,

No. 20-55733

Plaintiffs-Appellants,

D.C. No. 2:17-cv-07587-SVW-JDE

v.

MEMORANDUM*

MARY THORNTON HOUSE, Judge; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted September 14, 2021**

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

Azariah M. Ellington and Mitchell D. Ellington appeal pro se from the district court's post-judgment order denying their motion to recuse the judges presiding over their action alleging violations of their civil rights. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *United*

* 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).

States v. Hernandez, 109 F.3d 1450, 1453 (9th Cir. 1997). We affirm.

The district court did not abuse its discretion in denying plaintiffs' motion to recuse District Judge Wilson, District Judge Hatter, and Magistrate Judge Early because plaintiffs failed to demonstrate that a reasonable person would believe that the judges' impartiality could be questioned. *See id.* (setting forth standard of review and discussing standard for recusal under 28 U.S.C. §§ 144 and 455).

Plaintiffs' motion to recuse (Docket Entry No. 8) is denied.

AFFIRMED.