

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2023

FOR THE NINTH CIRCUIT

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

CONSTANTINO BASILE,

No. 21-56266

Plaintiff-Appellant,

D.C. No. 2:18-cv-08604-CJC-ADS

v.

MEMORANDUM*

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

Defendants-Appellees,

and

U.S. DISTRICT COURT-CENTRAL
DISTRICT OF CALIFORNIA WESTERN
DIVISION; et al.,

Defendants.

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted January 18, 2023**

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.