NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

LITEKY ET AL. *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 92–6921. Argued November 3, 1993—Decided March 7, 1994

Before and during petitioners' 1991 trial on federal criminal charges, the District Judge denied defense motions that he recuse himself pursuant to 28 U. S. C. §455(a), which requires a federal judge to ``disqualify himself in any proceeding in which his impartiality might reasonably be questioned.'' The first motion was based on rulings and statements this same judge made, which allegedly displayed impatience, disregard, and animosity toward the defense, during and after petitioner Bourgeois' 1983 bench trial on similar charges. The second motion was founded on the judge's admonishment of Bourgeois' counsel and codefendants in front of the jury at the 1991 trial. In affirming petitioners' convictions, the Court of Appeals agreed with the District Judge that matters arising from judicial proceedings are not a proper basis for recusal.

Held: Required recusal under §455(a) is subject to the limitation that has come to be known as the ``extrajudicial source'' doctrine. Pp. 3–16.

(a) The doctrine—see *United States* v. *Grinnell Corp.,* 384 U. S. 563, 583—applies to §455(a). It was developed under §144, which requires disqualification for ``personal bias or prejudice.'' That phrase is repeated as a recusal ground in §455(b)(1), and §455(a), addressing disqualification for appearance of partiality, also covers ``bias or prejudice.'' The absence of the word ``personal'' in §455(a) does not preclude the doctrine's application, since the textual basis for the doctrine is the pejorative connotation of the words ``bias or prejudice,'' which indicate a judicial predisposition that is *wrongful* or *inappropriate*. Similarly, because the term ``partiality'' refers only to such favoritism as is, for some

reason, wrongful or inappropriate, §455(a)'s requirement of recusal *whenever* there exists genuine question concerning a judge's impartiality does not preclude the doctrine's application. A contrary finding would cause the statute, in a significant sense, to contradict itself, since (petitioners acknowledge) §455(b)(1) embodies the doctrine, and §455(a) duplicates §455(b)'s protection with regard to ``bias and prejudice.'' Pp. 3–14.

Syllabus

(b) However, it is better to speak of the existence of an ``extrajudicial source'' *factor,* than of a *doctrine,* because the presence of such a source does not necessarily establish bias, and its absence does not necessarily preclude bias. The consequences of that factor are twofold for purposes of this case. First, judicial rulings alone almost never constitute valid basis for a bias or partiality recusal motion. See *Grinnell, supra,* at 583. Apart from surrounding comments or accompanying opinion, they cannot possibly show reliance on an extrajudicial source; and, absent such reliance, they require recusal only when they evidence such deep-seated favoritism or antagonism as would make fair judgment impossible. Second, opinions formed by the judge on the basis of facts introduced or events occurring during current or prior proceedings are not grounds for a recusal motion unless they display a similar degree of favoritism or antagonism. Pp. 14–15.

(c) Application of the foregoing principles to the facts of this case demonstrates that none of the grounds petitioners assert required disqualification. They all consist of judicial rulings, routine trial administration efforts, and ordinary admonishments (whether or not legally supportable) to counsel and to witnesses. All occurred in the course of judicial proceedings, *and* neither (1) relied upon knowledge acquired outside such proceedings nor (2) displayed deep-seated and unequivocal antagonism that would render fair judgment impossible. Pp. 15–16.

973 F. 2d 910, affirmed.

SCALIA, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, THOMAS, and GINSBURG, JJ., joined. KENNEDY, J., filed an opinion concurring in the judgment, in which BLACKMUN, STEVENS, and SOUTER, JJ., joined.