

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

ST. LUKE’S HEALTH SYSTEM, LTD; ST.
LUKE’S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; NATASHA
D. ERICKSON, MD, an individual; and TRACY
W. JUNGMAN, NP, an individual,

Plaintiffs/Respondents,

vs.

DIEGO RODRIGUEZ, an individual,

Defendant/Appellant,

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee; and
PEOPLE’S RIGHTS NETWORK, a political
organization,

Defendants.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**MOTION TO DISQUALIFY CHIEF
JUSTICE RICHARD G. BEVAN FOR
BIAS, CONFLICT OF INTEREST, AND
STRUCTURAL IMPROPRIETY**

Comes now Appellant Diego Rodriguez (“Appellant”), self-represented, and respectfully moves this Court for an Order disqualifying Chief Justice Richard G. Bevan from any further participation in this matter.

This motion is filed before issuance of a final opinion, and therefore preserves Appellant’s constitutional objections to the panel’s composition and avoids any claim of waiver or untimeliness.

I. INTRODUCTION

Appellant brings this motion pursuant to:

- The *Due Process Clause of the Fourteenth Amendment* (U.S. Const. amend. XIV);
- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 881 (2009) (“...*probability of bias is constitutionally intolerable.*”)
- *Withrow v. Larkin*, 421 U.S. 35 (1975) (“*Not only is a biased decisionmaker constitutionally unacceptable, but ‘our system of law has always endeavored to prevent even the probability of unfairness.’*”)
- Idaho Code of Judicial Conduct (Canons 1, 2, 2.11);
- Inherent authority of this Court to ensure impartial adjudication.

Disqualification is mandatory where there exists:

1. actual bias,
2. a probability of bias, or
3. structural circumstances creating an appearance of impropriety.

All three conditions are present here.

II. FACTUAL GROUNDS FOR DISQUALIFICATION

1. Chief Justice Bevan has denied three separate motions of constitutional magnitude without explanation.

As documented in Appellant’s Judicial Complaint mailed via certified mail to the Idaho Judicial Council on October 28, 2025, Chief Justice Bevan has issued three unexplained, citation-less denials:

- 1) Denial of Motion to Appear Remotely;
- 2) Denial of Renewed Motion to Appear Remotely (despite explicit demand for reasoning);
- 3) Denial of Verified Petition for Supervisory Relief addressing a live jurisdictional breakdown under I.R.C.P. 40(b) and 40(d).

These denials, each devoid of reasoning, directly contradicted binding authority and Idaho's own policy promoting access to courts. They form a clear pattern of partiality and discriminatory treatment toward Appellant, a self-represented litigant.

The full factual description of Chief Justice Bevan's conduct is incorporated herein by reference from Appellant's Judicial Complaint Against Chief Justice Richard G. Bevan (pp. 1–6).

2. Chief Justice Bevan's conduct directly contradicts his own remote-appearance policy memorandum.

On January 6, 2023, Chief Justice Bevan publicly endorsed remote appearance by stating, "...courts have found remote proceedings enhance litigants' access to justice by reducing travel time, reducing some litigation costs, increasing victim safety, increasing participation by certain individuals, and generally increasing efficiency in many proceedings." (Idaho Supreme Court Memorandum written by Chief Justice Bevan himself, Jan. 6, 2023.)

Yet in Appellant's case — where remote appearance was not merely convenient but necessary to avoid arrest and financial hardship — Chief Justice Bevan denied it without explanation. This contradiction supports a finding of arbitrary treatment and discriminatory application of court policy.

3. Chief Justice Bevan is in a direct conflict of interest.

Chief Justice Bevan and Judge Nancy Baskin both sit on the Idaho Judicial Council, the body responsible for overseeing misconduct complaints against Idaho judges.

Therefore:

- Bevan has a direct institutional incentive to protect Baskin.
- Bevan denied a Petition for Supervisory Relief that would have exposed Baskin's ongoing violation of I.R.C.P. 40(d).
- Thus, this constitutes structural bias squarely addressed in Caperton (and Withrow v. Larkin).

4. Chief Justice Bevan's repeated silence in the face of due process arguments is constitutionally intolerable.

The U.S. Supreme Court has held that the decisionmaker: "...*should state the reasons for his determination and indicate the evidence he relied on.*" — *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970)

Failing to respond to constitutional claims — three times — is itself evidence of:

- prejudice,
- arbitrary treatment,
- disregard for Appellant's rights.

5. His participation creates a "structural defect" rendering any decision voidable.

A justice who appears biased, or is actually biased, cannot constitutionally sit: "*Not only is a biased decisionmaker constitutionally unacceptable, but 'our system of law has always endeavored to prevent even the probability of unfairness.'*" *Withrow v. Larkin*, 421 U.S. 35 (1975)

Any judgment he participates in becomes constitutionally infirm. If the decision in this appeal is 3–2, and Bevan is among the three, his vote becomes determinative, and the entire decision is voidable under *Caperton*.

6. Additional due process authority: *Tumey v. Ohio* (foundational bias standard).

The United States Supreme Court has long held that due process is violated where a judge has a "*direct, personal, substantial interest*" in the outcome of a case. *Tumey v. Ohio*, 273 U.S. 510, 523 (1927)

Tumey further explained that: "...to subject a defendant to trial in a criminal case involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law." And that: "Every procedure which would offer a **possible temptation** to the average man as a judge ... denies the latter due process of law." *Id.* at 532 [emphasis added]

Chief Justice Bevan’s dual roles — as Chief Justice of the Idaho Supreme Court and as a member of the Idaho Judicial Council overseeing complaints against Judge Baskin — create exactly this kind of “possible temptation.” Appellant’s motions and Petition for Supervisory Relief directly attacked Judge Baskin’s ongoing violation of I.R.C.P. 40(d). By denying those filings without explanation while simultaneously sharing institutional oversight responsibility for Baskin, Chief Justice Bevan had a structural incentive to protect her and the Court from scrutiny.

Under *Tumey*, *Withrow*, and *Caperton*, this probability of bias and structural incentive is too high to be constitutionally tolerable and requires disqualification. Accordingly, Chief Justice Bevan’s continued participation would violate Appellant’s right to a neutral and impartial tribunal guaranteed by the Due Process Clause.

III. REQUEST FOR RELIEF

Appellant respectfully requests:

1. That Chief Justice Richard G. Bevan be immediately disqualified from all further participation in this appeal.
2. That the Court reconstitute the panel without him, and determine whether rehearing or supplemental briefing is required.
3. That no final opinion issue until this motion is resolved.

(See accompanying Motion to Stay.)

IV. VERIFICATION

I declare under penalty of perjury that the facts stated herein are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

DATED: November 15th, 2025

By: /s/ Diego Rodriguez

Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy to:

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DATED: November 15th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez