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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADA**

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,

vs.

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; DIEGO RODRIGUEZ, an
individual; 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.

Case No. CV01-22-06789

**MOTION TO COMPEL RULING ON
RENEWED MOTION TO DISQUALIFY
PRESIDING JUDGE**

COMES NOW, Diego Rodriguez, the undersigned Defendant appearing pro se, and respectfully moves this Court to immediately rule on the *Renewed Motion to Disqualify Presiding Judge*, originally filed on May 23, 2025, and supported by a sworn affidavit, clarification of legal rules, and a documented timeline of compliance.

This filing follows more than a year of judicial inaction since the original *Motion to Disqualify* was submitted in June of 2024—despite multiple procedural reminders, courtesy notices, and efforts to cure alleged procedural defects.

It has now been nearly a full year since the original *Motion to Disqualify* was filed, and no ruling has been issued on that motion whatsoever. Instead, Judge Baskin attempted to claim that the original *Motion to Disqualify* was “abandoned” pursuant to Local Rule 5.3—despite the clear procedural language of Idaho Rule of Civil Procedure 40(d), which forbids any judicial action except a ruling on the motion itself. This misapplication of procedural rules not only highlights an egregious denial of due process but also adds to the evidence of judicial bias.

This prolonged failure to rule is not merely a delay—it constitutes textbook judicial misconduct and a violation of due process, especially where the Court has continued to take adverse actions without first resolving the disqualification motion as required by Idaho Rule of Civil Procedure 40(d).

Defendant has demonstrated exceptional procedural compliance and patience, having:

- Filed a *Renewed Motion with Clarification* and supporting affidavit,
- Provided a *Declaration of Timeline of Compliance*,
- Sent courtesy notifications to the Court and opposing parties, and
- Waited more than two full weeks since the renewed filing—with no response.

Under I.R.C.P. 40(d), “*Upon the filing of a motion for disqualification, the presiding judge must not act further in the action except to grant or deny the motion for disqualification.*” Continued silence and inaction, while other matters proceed, constitutes de facto judicial usurpation and procedural abuse.

Furthermore, the Court has not merely remained silent—it has acted in direct violation of I.R.C.P. 40(d). Specifically, after the original disqualification motion was filed in June 2024, the Court continued to issue adverse rulings in this matter, **including denying motions and entering orders while it was jurisdictionally barred from doing so.** Such action is either an egregious misapplication of procedural law or evidence of deliberate judicial bias. In either case, it is textbook misconduct and supports the Defendant’s broader claims of denial of a fair tribunal.

Defendant further notes that the Court previously dismissed the original *Motion to Disqualify* as “abandoned” due to the Defendant’s failure to set a hearing. However, I.R.C.P. 40(d) contains no such requirement. The rule explicitly bars a judge from acting further in the case except to grant or deny the disqualification — and does not authorize the judge to impose a hearing-noticing requirement, nor to deem a motion “abandoned” on such grounds. This misstatement of the law only compounds the Court’s improper conduct and underscores the Defendant’s concern about judicial bias and procedural abuse. This pattern of jurisdictional overreach—ruling while disqualified, misstating applicable law, and resisting proper recusal—constitutes not merely legal error, but judicial misconduct under Idaho’s own standards of judicial conduct.

Judge Baskin also referenced an Administrative Order from the Idaho Supreme Court dated January 6, 2023, which states: “*Judges have discretion to determine whether a hearing is conducted in person or via video/audio.*” That order was created for COVID-era adjustments and was meant to **increase** access, not **decrease** it. Discretion must still be reasonable and constitutional—not used to strategically obstruct my ability to be heard. I submitted good cause (the fact that I live in Florida over 2,000 miles away) and am not seeking to avoid appearance altogether. Judge Baskin’s blanket denial, without serious consideration, further signals intentional obstruction—especially because it was not a trial or evidentiary hearing, just a motion hearing.

Additionally, the Court’s previous order denying Defendant’s *Motion to Appear Remotely* offers direct evidence of judicial bias and procedural abuse. In that order, Judge Baskin stated that “*It would be unfair to allow him to appear remotely on his Motion and not allow the Plaintiffs and the Court to proceed on the pending Motion for Contempt against Mr. Rodriguez since he would not be here in person to have the Warrant of Attachment served on him...*”

This is a disturbing admission that the Judge Baskin’s procedural rulings are being shaped not by impartial considerations of due process or judicial economy, but by an apparent desire to facilitate the opposing party’s efforts to incarcerate or penalize the Defendant.

This Court's use of procedural discretion to engineer the Defendant's physical absence—specifically to facilitate the service of a Warrant of Attachment—is tantamount to legal entrapment by judicial means. **Such conduct is unconscionable and must be condemned.**

Such reasoning is not only legally unsound—it undermines public confidence in the fairness of the judiciary. The Court is not a co-enforcer of one party's contempt strategy, and its discretion to permit or deny remote appearance must not be used as a trap to facilitate arrest or punitive action. If left uncorrected, such conduct sets a dangerous precedent that erodes public trust in the integrity and impartiality of the judiciary, particularly in cases involving pro se litigants asserting constitutional rights.

Defendant submits that this statement, taken together with the unlawful denial of multiple motions and failure to act on the pending disqualification motion, constitutes further evidence of judicial bias and misconduct. It must not be allowed to stand.

Accordingly, Defendant hereby respectfully demands that this Court:

1. Promptly rule on the pending *Renewed Motion to Disqualify*;
2. Stay all judicial action by the presiding judge pending said ruling;
3. Enter any appropriate reassignment or scheduling orders based on the outcome;
4. Preserve the procedural record to avoid further prejudice or appellate harm.

Defendant reserves the right to file further motions, including a *Motion to Vacate Void Rulings*, a *Judicial Misconduct Complaint*, and any action necessary to vindicate his constitutional right to a neutral magistrate.

DATED: June 9th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I certify I served true and correct copy to:

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-5974

☐ By Mail
☐ By fax
☒ By Email/iCourt/eServe

DATED: June 9th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez