

Federal Case Raven v. Trump Reassigned to Judge McFadden — Raven Files Motion for Judicial Recusal Citing Prior Ruling

Plaintiff Julian Raven files motion seeking Judge McFadden's recusal in Raven v. Trump, citing prior Smithsonian case and appearance of judicial bias.

WASHINGTON, DC, UNITED STATES, October 20, 2025 /EINPresswire.com/ -- [The civil case Raven v. Trump \(Case No. 25-cv-02332\)](#), recently transferred from

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The Due Process Clause requires recusal when the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable.

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— *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 872 (2009)

the docket of U.S. District Judge Tanya Chutkan to Judge Trevor N. McFadden in the District of Columbia, has prompted a formal motion for judicial recusal filed by the plaintiff, Julian Marcus Raven. [The motion, submitted on October 19, 2025](#), seeks recusal based on Judge McFadden's prior involvement in a related case—Raven v. Sajat (1:17-cv-01240)—which addressed legal questions surrounding the Smithsonian Institution's trust structure and constitutional status.

According to the newly filed motion, the issues now before the court substantially overlap with those addressed by [Judge McFadden in his 2018 decision](#). The plaintiff asserts

that the judge's earlier ruling may give rise to an appearance of bias or prejudgment, citing provisions under 28 U.S.C. § 455(a) and 28 U.S.C. § 144, which govern judicial disqualification in federal proceedings.

Background of the Dispute

Plaintiff Julian Raven, an artist and author, initially filed suit in 2017 against the Smithsonian Institution and its officials, alleging First Amendment violations and breaches of fiduciary trust duties. That case was dismissed by Judge McFadden, who concluded that the Smithsonian functions as a government entity. Raven has since continued to challenge that classification, arguing that the Smithsonian remains a charitable trust governed by fiduciary obligations under federal and common law.

The current case, Raven v. Trump, expands those arguments to include the conduct and

constitutional obligations of federal officials—most notably, the President of the United States—in relation to the Smithsonian's leadership and governance.

Basis for Recusal Request

The motion for recusal highlights several factors which, according to the plaintiff, raise concerns about judicial impartiality:

Overlap of legal issues: The plaintiff argues that *Raven v. Trump* re-engages the same legal questions concerning fiduciary obligations, trust oversight, and constitutional boundaries first raised in *Raven v. Sajat*.

Prior judicial conclusions: In his 2018 opinion, Judge McFadden determined that the Smithsonian is “government through and through,” a characterization the plaintiff disputes in the present litigation.

Subsequent developments: The motion references recent events, including public statements from executive branch officials regarding Smithsonian leadership, and the resignation of former National Portrait Gallery Director Kim Sajat, as evidence of continuing public and institutional debate surrounding the Smithsonian's governance structure.

Statutory and constitutional claims: Plaintiff asserts that the ongoing litigation requires a fresh and independent judicial analysis, particularly given the constitutional dimensions of the case relating to the separation of powers.

The filing emphasizes the importance of public trust in judicial neutrality, quoting case law such as *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), which established that even the probability of bias may require recusal under the Due Process Clause.

Constitutional Context

The motion notes the involvement of multiple branches of government in the Smithsonian's oversight structure—its Board of Regents includes members of Congress, executive officials, and the Chief Justice of the United States. According to the plaintiff, this arrangement raises important constitutional questions about the limits of federal power and the independence of fiduciary institutions established by private bequest, such as the original gift from James Smithson in 1835.

The plaintiff argues that the constitutional separation of powers doctrine must be considered carefully to ensure that judicial review is not compromised by past legal conclusions. The filing cites Supreme Court cases including *Youngstown Sheet & Tube Co. v. Sawyer* (1952), *Morrison v. Olson* (1988), and *Mistretta v. United States* (1989), which address the boundaries between the branches of government and the preservation of checks and balances.

Plaintiff Statement

Julian Marcus Raven, who is representing himself pro se, stated:

“This case raises serious legal questions that impact the integrity of federal institutions and charitable trust law. The motion seeks only what the law requires—an impartial forum to adjudicate these claims without the risk or appearance of past conclusions influencing current proceedings.”

Raven is the author of the 2022 book *Odious and Cerberus: An American immigrant's odyssey* and his free-speech legal war against Smithsonian corruption, which includes a chapter analyzing Judge McFadden’s prior ruling in the earlier case. The motion acknowledges this publication as part of the public record and cites it as further basis for seeking a neutral judicial review.

Next Steps

The court has not yet ruled on the motion for recusal while it awaits the final reply from defendants. If granted, the case will likely be reassigned to a different judge within the District of Columbia federal bench. If denied, Judge McFadden would continue presiding over the matter as it progresses through preliminary motions.

The lawsuit remains in its early stages, with no trial date currently scheduled.

Julian Raven

Julian Raven Artist

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