UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-02536 (PJS/DTS)

UNITED STATES OF AMERICA, Plaintiff, v. SALAH OSMAN AHMED, Defendant.	)	MOTION TO DISQUALIFY

INTRODUCTION

The United States respectfully requests that Judge Patrick Schiltz recuse himself from the above captioned matter. Judge Schiltz's on-the-record participation in a recent highly partisan New York Times Article, along with his subsequent public comments, unquestionably calls into doubt whether Judge Schiltz can be impartial in this case. A judge who has publicly taken sides on the political issue of immigration enforcement cannot then preside over a case concerning one of the Justice Department's key immigration initiatives: pursuing the largest denaturalization effort in Department history to restore trust and integrity in U.S. citizenship. Absent recusal, the American people will reasonably question whether Judge Schiltz can be impartial regarding this important matter defending the integrity of American citizenship.

BACKGROUND

On May 7, 2026, the United States filed this action pursuant to 8 U.S.C. § 1451(c) seeking to revoke and set aside the order admitting for United States citizenship Defendant Salah Osman Ahmed a/k/a Salman and to cancel his Certificate of Naturalization. ECF No. 1. The case was assigned to Judge Patrick Schiltz. ECF No. 2. On August 4, 2026, Defendant filed his answer. ECF No. 9.

A little over a month after Defendant filed his Answer, the New York Times published an article titled *Trump's Minnesota Surge Threatened Democracy, Judge Warns*.[1] The article explains that Judge Patrick Schiltz sat for a 90-minute interview with the New York Times. Six other members of Minnesota's federal bench also agreed to speak to the Times. Judge Schiltz, however, was the star of the article. During the interview, Judge Schiltz apparently told a reporter that:

> The Trump Administration has a "disregard for court orders."
>
> This purported "disregard" had "clogg[ed] his courthouse to a near standstill, contributing to rising tensions in the protest-filled city [of Minneapolis] and, ultimately, putting the constitutional order at risk."

[1] Matthias Schwartz, *Trump's Minnesota Surge Threatened Democracy, Judge Warns*, N.Y. TIMES, Sept. 17, 2026, https://www.nytimes.com/2026/09/17/us/politics/minnesota-judge-trump-immigration.html.

> Judge Schiltz's "impression was that most, if not all," of the purported "noncompliance was due to incompetence, . . . not due to conscious defiance of orders," but "[t]he lack of resources led to a result . . . that should have been anticipated, and that threatened the foundations of the legal system."
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> The Trump Administration has also "gone over his head" (and "gone around him") "to an appeals court" after Judge Schiltz had advised Minnesota's U.S. attorney that Judge Schiltz would not review a magistrate judge's decision to deny a search warrant application until "after the bench met in person the following week."
>
> Judge Schiltz "would apologetically explain why he needed to check his phones constantly" to friends, because if he did not "[t]he cost . . . could be somebody waking up in New Mexico the next day when they shouldn't have."
>
> Normally "government agencies act as 'partners' to judges in tackling challenges to the system," "[b]ut they weren't this time."
>
> Judge Schiltz had said, "This just never happens" aloud to himself, referring to purportedly "violated orders and other unusual behavior by the Justice Department."
>
> Judge Schiltz "hoped the portrait of how the bench had handled the crisis would help Americans better understand how the United States' system of government depends on the rule of law."
>
> The Trump Administration's actions "created a grave threat to the rule of law," without which "you have either anarchy or you have authoritarianism. You have Russia or you have China or you have North Korea."

Id.

Judge Schiltz's statements plainly reveal the overall thrust of the article: a partisan critique of the Trump Administration's immigration enforcement

efforts in Minneapolis. For example, the article reports that "the district's judges" "said most of the detainees who appeared on their dockets seemed to be ordinary people with homes and jobs." *Id*. at 10.

The article includes several staged portraits of Judge Schiltz, along with dramatic pictures of a detainee crying and protestors. The article also acknowledges that "[i]t is indeed unusual for federal judges to give extensive interviews that reflect on periods when their rulings have made headlines." *Id*. at 3.

Then, on October 2, 2026, Judge Schiltz again publicly commented on the Administration's immigration enforcement efforts, this time speaking at a symposium titled "ICE Versus the States: State-Law Remedies for Federal Lawlessness."[2] Once again, as reflected in the title, the theme of the symposium was obvious: a partisan critique of the Trump Administration's immigration enforcement efforts in Minneapolis. Judge Schiltz was the only judge who spoke at the event. The moderator interviewing Judge Schiltz framed the issue for discussion as "the crisis of the Trump administration and the ICE surge in Minneapolis." *Id.* In his remarks, Judge Schiltz stated that:

> The difference between me going to a movie and turning my phone off for two hours and me checking my phone regularly either at the movie . . . or not going to the movie, could literally be someone being sent to New Mexico or someone being sent to Texas.

[2] UNIVERSITY OF ST. THOMAS – MINNESOTA, *ICE Versus the States: State-Law Remedies for Federal Lawlessness (2026 Symposium)* (YouTube, October 7, 2026).

> The Trump Administration "did nothing to make sure that there [were] enough resources here, lawyerly and otherwise, to make sure that we could adjudicate the rights of the people who brought the habeas petitions.

Id.

In discussing proceedings where the United States sought arrest warrants for individuals accused of coordinating takeover-style attacks of church services,[3] Judge Schiltz characterized the individuals as "protesters," and stated

> The US Attorney told me that, in papers, his office, that if I didn't make a decision by that weekend, this was like Thursday, if I didn't make a decision by that weekend, it was going to be a national security emergency, because copycats were going to infiltrate churches all over the country and disrupt services. So the three arrest warrants were not going to stop that, but another five would, especially if Don Lemon was one of those five. That was the argument. So I just, I didn't do anything, I was going to, we were going to meet as a bench on Tuesday, and I was going to take it up with my colleagues then.

ICE Symposium, *supra* note 2. Judge Schiltz further stated that the government's subsequent petition to the Eighth Circuit was "a complete ambush." *Id.*

LEGAL STANDARD

"Any justice, judge, or magistrate judge of the United States *shall* disqualify himself in any proceeding in which his impartiality might

[3] These criminal prosecutions are currently pending and have been pending since January 2026. *See United States v. Levy Armstrong*, Case No. 26-cr-00025 (D. Minn. 2026).

reasonably be questioned." 28 U.S.C. § 455(a) (emphasis added). In analyzing whether recusal is required, the question is "whether the judge's impartiality might reasonably be questioned by the average person on the street who knows all the relevant facts of a case." *Moran v. Clarke*, 296 F.3d 638, 648 (8th Cir. 2002) (quotation omitted). Section 455(a) establishes an objective standard, and the existence of actual bias is irrelevant. *Id.*

ARGUMENT

Respectfully, the Court's public statements and participation in the New York Times article, at a minimum, undoubtedly call the Court's impartiality in this matter into question, and thus necessitate recusal.

First, Judge Schiltz has engaged in improper political commentary. Starting with the most egregious example, Judge Schiltz's analogizing the Administration's actions with the behavior of foreign adversaries such as Russia, China, and North Korea is highly inappropriate, hyperbolic, and at minimum, political commentary. *See Guide to Jud. Policy*, Vol. 2, Pt. B, Ch. 2, Advisory Op. No. 55 (June 2009) ("In every case, the judge should avoid sensationalism and comments that may result in confusion or misunderstanding of the judicial function or detract from the dignity of the office."). Accusing Administration lawyers of "incompetence" is likewise a nakedly political statement. In his comments at the ICE Symposium, in discussing the arrest warrants for the (ongoing) prosecution of individuals

accused of taking over church services (or "protesters" as Judge Schiltz calls them), Judge Schiltz went so far as to ridicule the government's substantive justifications for seeking the arrest warrants, criticize its litigation tactics, and sarcastically dismiss the legitimate law enforcement concerns. *See supra* p. 5. Any reasonable observer of Judge Schiltz's remarks (including potential jurors) would immediately see that he opposes these prosecutions. In addition to being political, as these criminal prosecutions are still very much ongoing, Judge Schiltz's comments are explicitly prohibited by judicial ethics canons. Specifically, Canon 3A(6) to the Code of Conduct for United States Judges provides that "[a] judge should not make public comment on the merits of a matter pending or impending in any court." And as the commentary on Canon 3A(6) explains, this "admonition . . . continues until the appellate process is complete."

The Times article further reports that "the district's judges said most of the detainees who appeared on their dockets seemed to be ordinary people with homes and jobs." Schwartz, *supra* note 1, at 10. Here too, these statements have nothing to do with the legality of the arrests in question (and so are simply political opinion). The Eighth Circuit has warned that, "in order to be and remain impartial, and to be 'perceived' as impartial, the judge must be above the fray, not become an advocate in it." *White v. Nat'l Football League,* 585 F.3d 1129, 1140 (8th Cir. 2009) (citations omitted). But Judge Schiltz

jumped directly into the fray by criticizing the Administration's approach to immigration enforcement. Such comments are beyond the bounds of a judge's role given our Nation's Constitution charges the Executive, not Article III, to take care over immigration matters and enforce the laws written by Congress.

Second, a reasonable observer would conclude that Judge Schiltz understood the nature of the Times article before it was published—and that the article advances an anti-Trump Administration agenda in the immigration context. To illustrate, the article features a picture of a "federal immigration operations" protest showing numerous signs that read "F*ck ICE" along with similar rhetoric. Schwartz*, supra* note 1, at 9. Regrettably, the Court lent the prestige of his judicial office to advance this obviously partisan message. And notably, pictures of the many *pro*-immigration enforcement rallies across the country are nowhere to be found in the article. In choosing to participate in this article that is "clearly associated with one side of a controversial issue[,]" Judge Schiltz "risk[ed] creating questions about impartiality" that now cast a shadow over his impartiality in this case. Advisory Op. No. 118.

A symposium titled "ICE Versus the States: State-Law Remedies for Federal Lawlessness" is likewise "clearly associated with one side of a controversial issue." *Id.* Simply appearing at an event that assumes "federal lawlessness" when it comes to immigration enforcement calls Judge Schiltz's impartially in immigration cases into question. Especially because, as Judge

Schiltz is well aware, he is currently and all but certain to be handling federal immigration cases in the future. Indeed, "[w]ith respect to some particularly controversial topics, judges should be mindful that simply addressing certain topics might be viewed as taking a partisan position or reflecting a lack of impartiality." *Id.* Immigration enforcement is unquestionably such a topic.

Third, Judge Schiltz's participation in the Times article reasonably raises the concern that Judge Schiltz's desire for favorable media attention may influence his decision making in this case. "Judges should not create the impression that they covet publicity." *White*, 585 F.3d at 1140. "When judges make gratuitous public comments on issues closely related to judicial duties, they risk giving the impression that they have an uncommon interest and degree of personal involvement in the subject matter." *Id.* (internal quotations omitted). "Self-interested behavior in submitting to press interviews may also lead to accusations that a judge will be motivated to decide issues in a way that prompts favorable media attention." *Id.*; *see also United States v. Microsoft Corp.*, 253 F.3d 34, 115 (D.C. Cir. 2001) ("Members of the public may reasonably question whether . . . a publicity-seeking judge might consciously or subconsciously seek the publicity-maximizing outcome."). Judge Schiltz's grandiose, partisan statements to the Times—along with the multiple accompanying staged, dramatic photos of Judge Schiltz—plainly support the inference that Judge Schiltz consciously or subconsciously covets publicity, at

least with respect to immigration enforcement matters. In fact, with his latest appearance at the ICE Symposium (and with the media cheering him along), Judge Schiltz's Metro-Surge media tour may just be getting started.[4]

Fourth, an advisory opinion providing that judges may speak on "the independence of the judiciary, or advocate for the rule of law in general," does not change the calculus that recusal is required in this case. Advisory Op. No. 118. A judge cannot ignore their ethical obligations and make partisan statements that have nothing to do with judicial independence, then couch it all in terms of "the rule of law." Schwartz, *supra* note 1, at 1, 2, 4, 5, 14, 16. (No matter how many times you repeat the phrase). Although not exhaustive, the examples in Advisory Opinion No. 118 are instructive: permitting judges to speak on issues such as "judicial security," "the history and role of the federal courts in our society, their operation and governance, the importance of jury service, suggestions to improve the legal system, and related topics." Advisory Opinion No. 118.

By contrast, Judge Schiltz's statements, accusing the Administration of incompetence, mocking its litigation tactics, and making comparisons to foreign dictators, go far beyond simply advocating for the rule of law in the

[4] *See* ICE Symposium, supra note 2; *see also* Rochelle Olson, *Minnesota judges are showing what it takes to fight Trumpism*, MINN. STAR TRIBUNE (Oct. 14, 2026), https://www.startribune.com/doj-judges-complaint-ethics-violation-operation-metro-surge/601898773.

general sense. And far from merely a general discussion in broad terms, Judge Schiltz commented on an ongoing immigration enforcement initiative of the current Executive, which concerned cases that, even as framed by the Times, have only "*largely*" concluded. Schwartz, *supra* note 1, at 8. Incredibly, Judge Schwartz even commented on the arrest warrant proceedings—mocking the government's tactics—for a criminal prosecution that is currently pending in the District of Minnesota. *See* ICE Symposium, *supra* note 2, 4; *United States v. Levy Armstrong*, Case No. 26-cr-00025 (D. Minn. 2026). Lastly, it is no excuse that Judge Schiltz aimed to "help Americans better understand" these issues as he saw them. Schwartz, *supra* note 1, at 4. "If those were his intentions, he could have addressed the factual and legal issues as he saw them—and thought the public should see them . . . in a written opinion. Or he could have held his tongue until all appeals were concluded." *Microsoft Corp.*, 253 F.3d at 112.

Finally, this case implicates all the concerns discussed above. Defendant is accused of procuring, by concealment of a material fact or by willful misrepresentation, the order admitting him to United States citizenship and his Certificate of Naturalization. This case involves a central aspect of the Administration's immigration-enforcement efforts: restoring trust and integrity in U.S. citizenship. A reasonable observer would now question whether that reality is influencing the Court's decisions. Judge Schiltz has

already made clear that he thinks the Administration's immigration enforcement efforts are "lawless" and somehow comparable to the regimes of brutal foreign dictators, despite the fact that the Administration is merely enforcing the laws written by Congress, and in many instances have been on the books for decades. Thus, Judge Schiltz does not provide a neutral forum for the United States, something all litigants are entitled to. And it is reasonable to conclude that Judge Schiltz's documented bias in this area also colors his views when it comes to the Administration's efforts to denaturalize those who obtain citizenship illegally.

In sum, Judge Schiltz's statements and participation in the New York Times article, at a minimum, undoubtedly give rise to an appearance of bias in this case. Judge Schiltz should therefore recuse.

CONCLUSION

For the reasons set forth above, the United States respectfully requests that Judge Schiltz recuse himself from this case.

Respectfully submitted,

Dated: October 20, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2026, I filed the foregoing document with the Clerk of Court using the Court's CM/ECF system, thereby serving all counsel who have appeared in this case.

Dated: October 20, 2026

/s/ *Stanley E. Woodward, Jr.*
STANLEY E. WOODWARD, JR.
Associate Attorney General