

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

TYRONE SMITH

CIVIL ACTION

VERSUS

NO. 17-4551

BP EXPLORATION &  
PRODUCTION INC., *et al.*

SECTION M (4)


**ORDER & REASONS**

Before the Court is a motion by plaintiff Tyrone Smith to disqualify the undersigned from these proceedings.<sup>1</sup> The same motion has been filed and fully briefed in many other B3 cases allotted to this section of court. Having considered the parties' memoranda, the record, and the applicable law, the Court denies the motion for the reasons articulated at length in the Order & Reasons issued in *Carpenter v. BP Exploration & Production Inc.*, 2022 WL 2800014 (E.D. La. July 14, 2022), because there is no actual conflict of interest or appearance of impropriety, and the motion was untimely filed. A judge has an affirmative duty not to disqualify himself or herself unnecessarily, and because Smith raises no compelling or persuasive grounds for disqualification here, it is unnecessary and, indeed, would be improper for the undersigned to do so.

Accordingly,

IT IS ORDERED that Smith's motion to disqualify (R. Doc. 49) is DENIED.

New Orleans, Louisiana, this 19<sup>th</sup> day of August, 2022.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> R. Doc. 49.