

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

FREDERICK SMITH

PLAINTIFF

v.

No. 3:14-cv-254-DPM

DEMOCRATIC PARTY ARKANSAS; WILL BOND,
Individual Capacity, Chairman Democratic Party
Arkansas; CANDACE MARTIN, Individual Capacity,
Spokeswoman DPA; MIKE BEEBE, Head of
Democratic Party Arkansas, Individual Capacity;
MARY McGOWAN, Judge of Pulaski County Circuit
Court, Individual Capacity; and MARK MARTIN,
Chairman of State Election Commission/Secretary
of State, Individual Capacity

DEFENDANTS

ORDER

Smith's motion to vacate the Judgment, *No. 47*, is denied. First, his interlocutory appeal on Judge McGowan's judicial immunity did not deprive this Court of jurisdiction over the rest of the case. *No. 45*. Second, his filing a motion to recuse did not automatically disqualify me. *Hammer v. Sam's East, Inc.*, 754 F.3d 492, 503 (8th Cir. 2014). I had to address his motion, which I did. *No. 40*. I declined to recuse, and therefore could act further in the case. The Judgment, *No. 46*, is not void.

So Ordered.

W Marshall Jr.

D.P. Marshall Jr.
United States District Judge

29 September 2015