

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**CHARLES EDWARD JONES, SR.
ADC #144544**

PLAINTIFF

v.

No. 5:14-cv-453-DPM

**DON E. GLOVER,
Chicot County Circuit Judge**

DEFENDANT

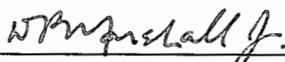
ORDER

1. In late December 2014, Jones filed this § 1983 case, alleging that Chicot County Circuit Judge Glover deprived Jones of access to the courts in relation to Jones's amended state habeas petition. The case was assigned to me at random. I screened the complaint for this Court. And, in late January 2015, I dismissed it without prejudice based on judicial immunity. Jones moved in mid-February to alter or amend the Judgment, renewing his arguments on the merits. I denied that motion for the reasons previously given. Last week, Jones moved under FED. R. CIV. P. 60(b) for relief from the Judgment. He renews his court-access arguments; and he makes a new point. Jones says I should have recused in this case because I was on the Arkansas Court of Appeals panel that affirmed his conviction, 2010 Ark. App. 324, and because I recused in 2012 in his federal habeas proceeding, No. 5:12-cv-19.

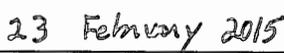
2. Jones is right. I should have disqualified myself in this latest case. I have no memory of his direct appeal in 2010 or his federal habeas proceeding in 2012. And I did not catch my earlier involvement when I was considering the papers in this latest case. This was my mistake. Jones's particular § 1983 claim could reasonably be viewed as a continuation of his original case – the same proceeding on which I expressed an opinion in 2010. My impartiality, therefore, might reasonably be questioned. CODE OF CONDUCT FOR U.S. JUDGES, Canon 3(C)(1)(e) & (3)(d).

3. The screening Order, *No 5*, the Judgment, *No 6*, and the post-Judgment Order, *No 8*, are vacated. Jones's complaint, *No 2*, and motion for summary judgment, *No 3*, are reinstated. Jones's motion for relief, *No 9*, is granted on the recusal issue and otherwise denied without prejudice. I recuse. The Clerk must reassign this case at random to another District Judge, who will start over.

So Ordered.



D.P. Marshall Jr.
United States District Judge



23 February 2015