

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

**COUNTY OF FRESNO,** ) CV F 06-1263 AWI SMS  
Plaintiff, ) DISCLOSURE  
v. )  
**ROSALIE TORSTENSEN-LIVINGS,** )  
Defendant. )

A judge has an affirmative duty to recuse himself/herself in any proceeding in which his/her impartiality might reasonably be questioned. 8 U.S.C. § 455; Liteky v. United States, 510 U.S. 540, 555 (1994). In some cases, it is unclear whether a judge has an implied conflict until the parties' review both the specific facts of their case and the judge's personal circumstances. For this reason, the undersigned makes the following disclosure: On March 1, 2004, the undersigned's wife, Jeanette Ishii, became employed with the County of Fresno and currently serves as an Assistant County Administrative Officer. Because from the face of the complaint it does not appear Mrs. Ishii's employment is directly related to the incidents underlying this action, the undersigned declines to sua sponte recuse himself from this case because Mrs. Ishii now works for the County of Fresno. However, leave to file a motion for recusal is given to any

1 party who believes that after reviewing the facts of this particular case such a motion is  
2 appropriate.

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4 IT IS SO ORDERED.

5 **Dated: October 5, 2006**  
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6 **/s/ Anthony W. Ishii**  
7 **UNITED STATES DISTRICT JUDGE**

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