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

RUCHELL CINQUE MAGEE,)	1: 07-CV-1766 AWI WMW P
)	
Plaintiff,)	ORDER TO RECUSE JUDGE
v.)	
)	
ROBERT E. COYLE, LAWRENCE)	
J. O'NEILL, ANTHONY W. ISHI,)	
AND D. BRAVO,)	
Defendants)	

Plaintiff Ruchell Cinque Magee has filed a complaint in which he names the undersigned as a Defendant. Because of the appearance of impartiality, the undersigned finds it necessary to recuse himself in this action. See 8 U.S.C. § 455; Liteky v. United States, 510 U.S. 540, 555 (1994). The Clerk of the Court is directed to reassign this action to another District Court Judge. Because District Court Judge Lawrence J. O'Neill is also named as a Defendant, the Clerk of the Court should not reassign this action to Judge O'Neill.

Accordingly, the court ORDERS that:

1. The undersigned is hereby RECUSED from this action;
2. The Clerk of the Court is DIRECTED to reassign this action to a District Court Judge other than the undersigned or District Court Judge Lawrence J. O'Neill.

IT IS SO ORDERED.

Dated: December 7, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE