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

CAROLINA CASUALTY
INSURANCE COMPANY,

CASE NO. 1:10-cv-00916-LJO-MJS

Plaintiff,

ORDER TO RECUSE

vs.

JONES HELSLEY, PC, et al.,

Defendants.

This matter currently is stayed by Order of this Court issued February 25, 2011, adopting the Magistrate Judge's Findings and Recommendations. (ECF Nos. 74 and 66, respectively.) Consistent with the terms of the stay Order, Plaintiff filed a motion for relief from the stay on November 4, 2011. (ECF No. 85.) That motion is briefed and awaits a ruling.

One of the Defendants in the case is the predecessor law firm of a firm recently joined by Oliver W. Wanger, former United States District Court Judge of the Eastern District of California. The ruling on this motion has the potential to affect at least indirectly that successor law firm. As a consequence, a reasonable person with knowledge of all the facts would conclude that the impartiality of judges of the Eastern District "might reasonably be questioned." 28 U.S.C. § 455(a).

Accordingly, the undersigned recuses himself from the case and will take no further action on it.

1 Further, it is ORDERED, that the clerk of this Court is to refer this action to the Ninth Circuit
2 Court of Appeals for reassignment to a District Judge of another district. Once such a judge is selected,
3 the Court will notify the parties and transfer the action accordingly. Pending matters will be addressed
4 by the Magistrate Judge or District Judge to whom the action is reassigned.

5 IT IS SO ORDERED.

6 **Dated: December 15, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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