

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY F. STANLEY,  
  
                                Petitioner,  
  
                  v.  
  
WARDEN, San Quentin State Prison,  
  
                                Respondent.

No. 2:95-CV-1500 JAM CKD  
  
DEATH PENALTY CASE  
  
  
ORDER

Attorney Jack Leavitt seeks leave to file documents in paper pursuant to Local Rule 133(b)(1). Good cause appearing, Mr. Leavitt’s request (ECF No. 953) is GRANTED.

In addition, Mr. Leavitt asks the undersigned to recuse herself from this proceeding because she recently referred to him as petitioner’s “self-proclaimed” counsel. Based on the history of Mr. Leavitt’s involvement in this case and the fact he has not been appointed by this court to represent petitioner in this proceeding, the court does not find the use of the term “self-proclaimed” to be off-base. In any event, the undersigned finds no reason she will be unable to be impartial in considering the motion for sanctions against Mr. Leavitt. See 28 U.S.C. §455. Accordingly, Mr. Leavitt’s recusal motion (ECF No. 954) is DENIED.

///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Clerk of the Court is directed to serve a copy of this order on Mr. Leavitt.

Dated: November 10, 2014



---

CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

Stanley leavitt mtns.or