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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIK ALI MUHAMMAD,)	No. C 08-3209 MMC (PR)
)	
Plaintiff,)	DECLARATION OF JUDGE MAXINE
)	M. CHESNEY RE: PLAINTIFF'S
v.)	MOTION TO DISQUALIFY
)	
J. RUBIA, Captain, et al.,)	
)	
Defendants.)	
_____)	

As the United States District Judge before whom the above-titled case is pending, I have read and considered plaintiff Malik Ali Muhammad’s Motion to Disqualify, filed December 29, 2009. The motion is based on “verbally confrontational disagreements” assertedly occurring between plaintiff and the undersigned in the years 1977 and 1978 in connection with plaintiff’s work performance as an assistant district attorney in the Office of the San Francisco District Attorney.

I have no recollection of having met an individual identified by the name Malik Ali Muhammad. I did, however, upon further inquiry, determine plaintiff has previously used the name Henry Milton Myers. Although Mr. Myers was employed in the Office of the San Francisco District Attorney at a time when I also was so employed, I have no recollection of the encounter(s) described in the motion. Further, any recollection thereof, given the extended intervening passage of time, would in no way have a bearing on any determination I may be called upon to make in the above-titled action.


United States District Court
For the Northern District of California

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Nevertheless, for the reasons set forth in the order filed concurrently herewith, I have determined the prudent resolution of plaintiff's motion is to recuse myself in the above-titled action.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on February 5, 2009, at San Francisco, California.


MAXINE M. CHESNEY
United States District Judge