

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

TIMMY J. RILEY and
BARBARA J. RILEY,

Plaintiffs,

vs.

Case No. 3:10-cv-644-J-34MCR

JOHN H. RUTHERFORD, et al.,

Defendants.

ORDER

This case is before the Court on Plaintiff Barbara Riley's Affidavit For Recusal Of District Judge Marcia Morales Howard, which the Court construes as a Motion for Recusal. (Doc. 48; Motion). The Motion was filed on October 4, 2010. The Defendants have not yet responded to the Motion.

In the Motion, Plaintiff requests, in part, that the undersigned recuse herself from presiding over this case. See Motion at 1, 2, 5, 7. It appears that the basis for this request is Plaintiff's disagreement with the undersigned's rulings in this matter. The undersigned has fully reviewed and considered the Motion and finds that there is no reason for the undersigned to recuse herself in this case. See Byrne v. Nezhat, M.D., 261 F.3d 1075, 1102-03 (11th Cir. 2001); McWhorter v. City of Birmingham, 906 F.2d 674, 678-79 (11th Cir. 1990); Ivey v. Snow, Civil Action No. 1:05-CV-1150-JOF, 2007 WL 1810213, at *2 (N.D. Ga. June 21, 2007). As such, the undersigned is obligated to continue to preside over this

matter. See United States v. Greenough, 782 F.2d 1556, 1558 (11th Cir. 1986) (“a judge, having been assigned to a case, should not recuse [her]self on unsupported, irrational, or highly tenuous speculation”); Lawal v. Winners Int’l Rests. Co. Operations, Inc., No. 1:04-CV-0913-WSD, 2006 WL 898180, at *4 (N.D. Ga. Apr. 6, 2006) (“A trial judge has as much obligation not to recuse [her]self when there is no reason to do so as [s]he does to recuse [her]self when the converse is true.”); United States v. Malmsberry, 222 F. Supp. 2d 1345, 1349 (M.D. Fla. 2002) (“a judge has as strong a duty to sit when there is no legitimate reason to recuse as [s]he does to recuse when the law and facts require”). The Motion will be denied to the extent Plaintiff requests that the undersigned recuse herself from this action.

Accordingly, it is hereby **ORDERED**:

Plaintiff Barbara Riley’s Affidavit For Recusal Of District Judge Marcia Morales Howard, which the Court construes as a Motion for Recusal, (Doc. 48), is **DENIED**.

DONE AND ORDERED in Jacksonville, Florida, this 19th day of October, 2010.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record