

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Omar Rashad Pouncy,

Petitioner,

v.

13-14695

Carmen D. Palmer,

Sean F. Cox

United States District Court Judge

Respondent.
_____ /

ORDER

Acting through Counsel, Petitioner Omar Rashad Pouncy filed a Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, on November 12, 2013. The case was assigned to the undersigned.

On December 3, 2014 – more than a year after this action was assigned to the undersigned – Petitioner’s Counsel filed a motion asking this Court to disqualify itself. The motion asserts that this Court should disqualify itself because Michael Cox, the undersigned’s brother, was the Attorney General of the State of Michigan at the time of Petitioner’s underlying conviction in Genesee County Circuit Court. The motion acknowledges that Michael Cox left office in 2011. Moreover, the facts that form the basis for the requested recusal were known to Petitioner’s Counsel at this time this action was assigned to the undersigned. Nevertheless, Petitioner’s Counsel waited a full year – until after this Court had made several rulings denying various motions filed by Petitioner – to file the motion.

Although this Court concluded that Petitioner’s motion was without merit and that disqualification is not required, out of an abundance of caution, this Court nevertheless

disqualified itself from this case so that it could be randomly assigned to a different judge.

Thereafter, Petitioner filed a motion asking this Court to “clarify” its disqualification order and vacate certain orders previously issued by this Court that were unfavorable to Petitioner (e.g., Order Denying Without Prejudice Motion for Evidentiary Hearing, Order Denying Motion for Summary Judgment as premature, Order Denying Motion to Strike Respondent’s Request for Dismissal) and to give his motion expedited consideration. (*See* D.E. Nos. 25, 26, & 27).

This Court hereby **DENIES** Petitioner’s request that the Court vacate its previous orders. This Court has not ruled on any dispositive issues and **there is no basis for vacating any of this Court’s previous orders.**

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: January 23, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 23, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager