

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00399-MOC

ANTONION MOSLEY,)
)
 Petitioner,)
)
 Vs.) ORDER
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

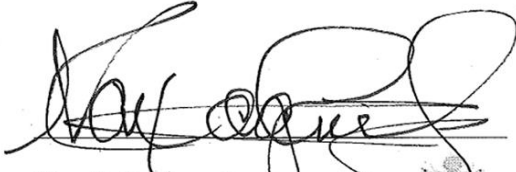
THIS MATTER is before the court on petitioner’s Motion to Recuse. For cause, petitioner makes reference to events at the sentencing hearing and states that this court “is materially apart of the ‘alleged misconduct’ that he is alleging against the Government and/or he is likely to be called by me as a material witnesses in the preceeding as to were the record silent.” Motion (#23) at 3 (errors in the original). Petitioner has, however, failed to set forth any facts that would lead a reasonably objective person to doubt the impartiality of this court. 28 U.S.C. § 455(a), (b).

Whether to recuse is measured by an objective standard that “asks whether the judge's impartiality might be questioned by a reasonable, well-informed observer who assesses all the facts and circumstances.” United States v. DeTemple, 162 F.3d 279, 286 (4th Cir.1998) (internal quotation omitted). Petitioner’s take on what occurred during the sentencing hearing, even if fully credited, provides no basis for recusal.

ORDER

IT IS, THEREFORE, ORDERED that petitioner's Motion to Recuse (#23) is
DENIED.

Signed: November 17, 2014

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is highly stylized and cursive.

Max O. Cogburn Jr.
United States District Judge