UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTEDIVISION NO. 3:17CV117-FDW-DCK

DON BRADLEY WALLACE,)	
Plaintiff,)))	ORDER
v.)	
UNITED STATES OF AMERICA,)	
Defendant.)	

PLAINTIFF DON BRADLEY WALLACE moves the Court to recuse from the above-captioned matter because the Court formerly served in the United States Army Reserve and "could carry an unfair bias towards the intelligence community." (Doc. No. 3, Page 1).

A judge must recuse when his or her impartiality might reasonably be questioned. 28 U.S.C. § 455(a). This Court handles hundreds of cases each year where the United States government (or a component thereof such as the Department of the Army) is a party. If the Court were to recuse in the above case, the Court would have to recuse in all matters where the United States government is a party.

Furthermore, Plaintiff has made no showing of any bias or prejudice by this Court, despite a ten year history of this Court presiding over trials where the United States is a party. Robinson v. N. Carolina Employment Sec. Comm'n, No. 3:09-CR-00088 at *1, 2009 WL 3150324 (recusal not required upon spurious or loosely based charges of partiality).

Finally, the Court has no extrajudicial knowledge of this matter or of PLAINTIFF WALLACE; thus the Court is not required to recuse. <u>Shaw v. Martin</u>, 733 F.2d 304, 308(4th Cir. 1984).

THEREFORE PLAINTIFF's motion to recuse (Doc. No. 3) is DENIED.

Signed: April 4, 2017

Frank D. Whitney

Chief United States District Judge