

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RADOSLAV DIMITRIC	§	
	§	
VS.	§	CIVIL ACTION NO. G-07-247
	§	
TEXAS WORKFORCE COMMISSION,	§	
TEXAS A&M UNIVERSITY, GALVESTON	§	

ORDER OF RECUSAL

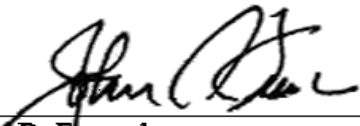
On June 16, 2008, Plaintiff, Radoslav Dimitric, filed a “Motion to Subpoena Documents and Material Things” from the Galveston AIDS Foundation. The Galveston AIDS Foundation is a private non-profit organization which exists to help those citizens of Brazoria, Galveston, and Matagorda Counties who suffer from HIV and AIDS. My wife, Pamela S. Froeschner, is a volunteer board member of the Galveston AIDS Foundation.

The instant Motion is a not-to-thinly-veiled attack on my ability to serve as an impartial Judge in this case and I, therefore, must, and do, take this matter very seriously. Nevertheless, despite Dimitric’s challenge, after a thorough self-evaluation, I have concluded that “the average person on the street” would not reasonably question my impartiality in the handling of this case to date. Cf. Potashnick v. Port City Const. Co., 609 F.2d 1101, 1111 (5th Cir. 1980), see also United States v. Grinnell, 384 U.S. 563, 583 (1966) (Judicial rulings alone almost never provide sufficient basis for a bias or partiality motion.) However, given the substance of Dimitric’s instant Motion, I feel it would be appropriate to recuse myself from its consideration.

I, therefore, **STAND RECUSED** only from ruling on “Plaintiff’s Motion to Subpoena Documents and Material Things” from the Galveston AIDS Foundation.

It is, therefore, **ORDERED** that “Plaintiff’s Motion to Subpoena Documents and Material Things” from the Galveston AIDS Foundation (Instrument no. 76) is **RETURNED** to the Honorable Lee H. Rosenthal, United States District Judge, for disposition.

DONE at Galveston, Texas, this 25th day of June, 2008.



John R. Froeschner
United States Magistrate Judge