

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

2009 MAY 18 PM 2:22

CLERK *L. Sanders*
SO. DIST. OF GA.

CHARLES W. WALKER, SR.,	*	
	*	
Petitioner,	*	
	*	CV 109-036
vs.	*	(formerly CR 104-059)
	*	
UNITED STATES OF AMERICA,	*	
	*	
Respondent.	*	

ORDER

Presently before the Court in this habeas corpus matter is Petitioner's motion for recusal. Specifically, Petitioner moves for recusal pursuant to 28 U.S.C. § 455(a) and (b) (1) of the undersigned judge, as well as the Honorable Lisa Godbey Wood and the Honorable J. Randal Hall.¹


Section 455(a) instructs a federal judge to disqualify himself if "his impartiality might reasonably be questioned." The standard of review for a Section 455(a) motion is "whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's

¹ This Order only addresses the issue of my disqualification. I will leave the disqualification of Judge Wood and Judge Hall for the Chief Judge to consider in reassignment of the case.

impartiality," Parker v. Connors Steel Co., 855 F.2d 1510, 1524 (11th Cir. 1988), and any doubts must be resolved in favor of recusal, United States v. Kelly, 888 F.2d 732, 744 (11th Cir. 1989).

Upon review of Petitioner's motion and affidavit, and in light of his ineffective assistant of counsel claim as it relates to my alleged bias or prejudice, I find that Petitioner has satisfied this standard.² Accordingly, the captioned case is hereby referred to the Honorable William T. Moore, Jr., Chief Judge of the Southern District of Georgia, for further assignment and plenary disposition.

ORDER ENTERED at Augusta, Georgia, this 18th day of May, 2009.


UNITED STATES DISTRICT JUDGE

² Section 455(b)(1) requires disqualification if the judge has a personal bias or prejudice against a party or has personal knowledge of disputed facts. My recusal is in no way based upon Section 455(b)(1); in fact, I reject the notion that my recusal is mandated under this subsection.