

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Patricia S. Connor
Clerk

Telephone
(804) 771-2213

February 12, 1999

CONFIDENTIAL

Ms. Ann Ryder
481 Wolf Pit Road
Mars Hill, NC 28754

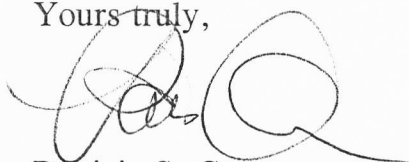
99-9003, In the Matter of a Judicial Complaint Under 28 U.S.C. § 372

Dear Ms. Ryder:

Enclosed is a copy of an order dismissing your judicial complaint.

You have the right to petition the Fourth Circuit Judicial Council for review of this order. If you choose to file a petition for review, your petition must be filed in the clerk's office no later than March 15, 1999. See Rule 6 of the Rules of the Judicial Council of the Fourth Circuit Governing Complaints of Judicial Misconduct and Disability.

Yours truly,



Patricia S. Connor

Enclosure

cc: Honorable J. Harvie Wilkinson III
Honorable Graham C. Mullen
Honorable Lacy H. Thornburg
Mr. Samuel W. Phillips

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

In the Matter of a

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Judicial Complaint

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No. 99-9003

Under 28 U.S.C. § 372

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MEMORANDUM AND ORDER

This complaint is brought pursuant to 28 U.S.C. § 372(c), which provides an administrative remedy for judicial conduct "prejudicial to the effective and expeditious administration of the business of the courts" and for judicial inability to "discharge all the duties of office by reason of mental or physical disability."

The complainant alleges that a district judge should have recused himself from complainant's lawsuit and that the judge acted improperly in remaining on the case. A recusal motion, rather than a judicial complaint, is the proper mechanism for seeking a judge's recusal. *See Rule 1(e), Rules of the Judicial Council of the Fourth Circuit Governing Complaints of Judicial Misconduct and Disability; In re Latimer*, 955 F.2d 1036 (5th Cir. 1992).

Accordingly, the complaint is dismissed pursuant to 28 U.S.C. § 372(c)(3)(A)(ii).

IT IS SO ORDERED.



J. Harvie Wilkinson III

Chief Judge