

February 22, 1999

Patricia S. Connor, Clerk  
United States Court of Appeals  
for the Fourth Circuit  
1100 East Main Street, Suite 501  
Richmond, Virginia 23219-3517

Re: 99-9003, Judicial Complaint

Dear Ms. Connor:

I HEREBY PETITION THE JUDICIAL COUNCIL FOR REVIEW OF THE CHIEF JUDGE'S ORDER.

I am baffled by the Chief Judge's use of In re Latimer, 955 F.2d 1036 (5th Cir. 1992). In Sheppardizing this case, I cannot see where Latimer has ever been cited in a written opinion....not even by the Fifth Circuit. However, all of the circuits use Liteky v United States, 510 US 540, 127 L.Ed. 2d 474, 114 S.Ct.1147 (1994). In U.S. v Gordon, 61 F.3d 263 (4th Cir. 1995), the Chief Judge himself cited Liteky in his opinion. "The Supreme Court has recently spoken at length about the proper standards for judicial disqualification under §455. In Liteky v. United States, [cites omitted], a defendant....". This is not a fluke. There are several other cases in which the Chief Judge and the Fourth Circuit recognize Liteky as setting the standard.

The "Rules of the Judicial Council of the Fourth Circuit" were adopted September 1, 1991 (per Lisa Robertson, secretary to Clerk), well before Liteky. They were updated December 1, 1998, but 1(e) was not touched. By using rules that do not meet current Supreme Court standards, the same standards you recognize in other cases, you are committing a grave dis-service to the citizens of the Fourth Circuit.

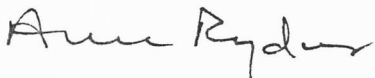
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Notwithstanding the Fourth Circuit's rules, Judge Thornburg swore (17) that he was telling the truth when he stated that he would "follow judicial code directives" (#12, previously submitted with Complaint). He has, at least, violated Cannon 2A, 2B, Cannon 3A(1), C(1)(a,b,c,e), and D in my case.

Liteky had been firmly in place a year before Judge Thornburg took his oath of office, swearing to perform all his duties under the Constitution and laws of the United States. He knows what the law demands of him. Despite Latimer and 1(e), he recused himself in US v Taylor 2:98CR218 (18). Neither party had motioned him.

He should have recused himself in Ryder v Freeman, but he did not...hence my Complaint.

Yours very truly,



Ann Ryder  
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