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6
7 **IN THE UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF NEVADA

8
9 UNITED STATES OF AMERICA

10 Plaintiff(s),

11 v.

12 CLIVEN D. BUNDY

13 Defendant.

Case No.
2:16-CR-00046-GMN-PAL-1

14
15 **DEFENDANT CLIVEN BUNDY'S AMENDED AND SUPERSEDING MOTION TO**
DISQUALIFY JUDGE GLORIA NAVARRO AND MEMORANDUM OF LAW
16 **IN SUPPORT OF MOTION TO DISQUALIFY**
JUDGE GLORIA NARRAVARO UNDER 28 U.S.C. §144 AND/OR REQUEST FOR
17 **VOLUNTARY RECUSAL; AND RENEWED MOTION FOR PRO HAC VICE STATUS**
FOR LARRY KLAYMAN

18
19 **I. INTRODUCTION**

20 Pursuant to 28 U.S. Code § 144, Defendant Cliven D. Bundy hereby respectfully moves for
21 the disqualification of the Honorable Judge Gloria Navarro and also respectfully requests Judge
22 Navarro to voluntarily recuse herself in order to avoid the appearance of impropriety in that she her
23 impartiality may reasonably be questioned.

24 Defendant Bundy hereby presents this Memorandum in Support of this Motion, and files
25 the attached declaration and corresponding certificate of filing in good faith by counsel, together
26 with attached exhibits. Bundy hereby respectfully demands the transfer of this case to a different
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1 judge immediately, as provided by 28 U.S. Code § 144 and/or the voluntary recusal of Judge
2 Navarro in further proceedings

3 **II. CLIVEN BUNDY IS A POLITICAL PRISONER**

4 **A. Detention in Solitary Confinement**

5 As set forth in Cliven Bundy's 28 U.S.C. §144 Declaration attached as **Exh. A**,
6 Bundy is in solitary confinement for no reason, which is abusive and constitutes
7 unreasonable confinement and cruel and unusual punishment under the circumstances,
8 and is being detained without possibility of bail.

9
10 **B. Judge Navarro as a litigant with connections to Harry Reid, whose connections
11 to the BLM cast a shadow of impropriety over this case**

12 Judge Navarro is a defendant in litigation with Cliven Bundy. Her husband is Chief Deputy
13 District Attorney for Clark County, where both this prosecution and the underlying events took
14 place. Senator Harry Reid and his son Rory Reid have been implicated in numerous internet
15 articles as having a personal financial interest in the BLM ejecting Cliven Bundy from his ancestral
16 ranch land in order to use it to provide a desert tortoise mitigation location to pave the way to
17 establish solar energy projects in Clark County.¹

18
19 ¹ See--Reports: Company Tied to Reid's Son Wants Land in Bundy Standoff, By Greg Richter
20 |Sunday, 13 Apr 2014.Further, Loesch reports, Harry Reid pressured the BLM to change the
21 tortoise's protected zone to accommodate developer Harvey Whittemore, one of the Democrat's top
22 donors. Whittemore was convicted in May 2013 of making illegal campaign contributions to him.);
23 Nevada standoff: Yes, it's solar-industry cronies (but NOT the Chinese) By J.E. Dyer April 12,
24 2014.The Bureau of Land Management's current director moved to that job from a position on
25 Harry Reid's staff. . . . First Solar proposes to build a 400 megawatt solar-energy plant in the Dry
26 Lake SEZ. First Solar, you'll remember, is the crony firm whose chairman of the board, Michael
27 Ahearn, bundled hundreds of thousands in political donations for Obama and other Democrats,
28 including the Democratic Senatorial Campaign Committee and Harry Reid. . . Obama's cronies
have regularly leveraged environmentalist efforts to carve out special deals for alternative energy
companies. And vice versa: the environmentalists have leveraged cronyism in the "green" energy
industry to get what they want, even if sometimes the activists end up losing out (as when First
Solar starts digging tortoises out of their burrows so it can expand a solar-energy farm); ERumor.
Bloomberg further documented ENN had contributed \$40,650 individually and through its political
action committee to Sen. Reid over the previous three election cycles. . . . Subsequently, on Sept. 4,
2012, Breitbart.com reported lawyer Rory Reid, the son of Sen. Reid, had been appointed the

1 Whether these accusations against the Reids will eventually be proven to be completely true
2 or not, the fact remains that at least in the public's perception, Harry Reid and his son Rory are
3 linked financially to the BLM's efforts to eject Cliven Bundy from his ancestral ranch, and thus
4 Judge Navarro's connection with Reid due to his recommendation of her to be appointed to the
5 federal bench is or will be perceived as a conflict of interest or at the least it presents the appearance
6 of impropriety and her impartiality may reasonably be questioned. See 28 USC § 455.

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8 **C. The Senator who recommended Judge Navarro for the Bench has called the
Defendant a domestic terrorist and called for him to be jailed**

9 U.S. Senator Harry Reid spoke with Attorney General Eric Holder, FBI leaders and **Clark County**
10 **Sheriff Doug Gillespie**. Reid said he understands there is a task force being set up to deal with
11 Bundy, and Gillespie is involved as well. Reid called Bundy and his supporters "domestic
12 terrorists." See **Exh. B4**, Article from Review Journal "Reid Calls Bundy Supporters Terrorists."
13 When law enforcement personnel set up a "task force" the idea is to investigate, arrest, and
14 *prosecute* their target, as we all know. Thus, Reid is involved in call for a prosecution at the state
15 level, which is still pending and may still be an open item for decision by Judge Navarro's husband.

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18 primary representative for ENN Energy Group, fronting the bid by the Chinese company to build a
19 \$5-billion solar panel plant on a 9,000-acre Clark County desert plot in Laughton, Nevada. . . . "A
20 tortoise isn't the reason why BLM is harassing a 67-year-old rancher," blogger Dana Loesch wrote
21 last week. "They want his land." . . . Reid has been accused by ranchers in Nevada of using the
22 BLM to control Nevada land, . . . and to pay back special interests, including his top donor, Harry
23 Whittemore, who first urged Reid to have the habitat of the desert tortoise moved, before he was
24 convicted of violating federal election laws by illegally funneling \$150,000 to Reid's 2007
25 reelection campaign. . . . BLM chief Neil Kornze served as a former senior adviser to Reid before
26 he joined BLM . . . If blood ends up being shed over a desert tortoise, the trail of gore may lead
27 straight to Harry Reid's desk in the Senate chambers.) See the full reports attached as **Exh. B1, B2,**
28 **B3**. It should be noted that desert tortoises have thrived much better on land that is being cattle
ranching than upon non ranching land, due to the beneficial effects of cow pies, which the tortoises
love to eat, and are very nourishing, in addition to providing needed moisture. Cattle are beneficial
to tortoises in other ways, set forth in the attached article "The Plight of the Desert Tortoise: A
surrogate for Social Change." See **Exh. B5**.

1 Judge Navarro may have an incurable conflict of interest involving her husband, including possible
2 impact upon her family (her spouse). This is a consideration under The Code of Conduct for United
3 States Judges, Canon 2(B). Any pressure upon her husband’s career as a prosecutor with the same
4 case involved would weigh upon the free and unrestrained decision-making of any reasonable and
5 normal person.

6 Because of these alleged but apparent personal reasons for Harry Reid to get Cliven Bundy
7 prosecuted by local officials, Bundy’s attorney Joel F. Hansen, Esq. has sent a Request for Copies
8 of Public Records to the Sheriff and the Clark County District Attorney asking them to produce any
9 and all public records regarding the stand off and particularly any communications from Harry Reid
10 asking for prosecution. See **Exh. C**. Once again, the Chief Deputy District Attorney is this Judge’s
11 spouse.
12

13 **D. Judge Navarro’s slip of the tongue in asking if Carol Bundy has been**
14 **prosecuted “YET” revealed her true attitude toward the Defendants**

15 Judge Navarro revealed her apparent bias and prejudice (pre-judging the case in advance of
16 the evidence) as well as *ex parte* communications and personal knowledge outside of court by
17 asking in open court if Bundy’s wife “was a defendant yet.” See **Exh. D**, Transcript of Proceedings,
18 May 10, 2016, 4:6 – 6:24,
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20 Mrs. Bundy’s husband is being held on baseless charges, resulting from a political protest by
21 hundreds of U.S. citizens who came of their own volition – not asked for by Bundy – to defend the
22 rights of U.S. citizens to own and farm and ranch on land free from abuses by the U.S. Government,
23 Bureau of Land Management. Despite the chaos of large crowds of peaceful protestors exercising
24 their First Amendment, Second Amendment, Eighth Amendment, Ninth Amendment, and Tenth
25 Amendment God given rights guaranteed under the U.S. Constitution, making it impossible for the
26 allegations to be proven, Judge Navarro has not only denied bail but engaged in cruel and unusual
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1 punishment of political prisoners by leaving Bundy in jail and in solitary confinement.

2 Bundy's sons are also imprisoned as political prisoners. And then Bundy's wife, Carol, the
3 mother of their sons, was left to take care of everything outside of jail in their absence, under these
4 heartbreaking circumstances, is hit with this horrifying remark by Judge Navarro "**But she is not a**
5 **defendant yet?**" The learned Judge caught her prejudice-revealing slip of the tongue and so quickly
6 corrected herself: "**She's not a defendant?**" After Bundy's wife suffered the trauma of having her
7 husband and sons in jail, Judge Navarro inadvertently signaled on May 10, 2016 that the
8 government must be considering indicting and arresting Mrs. Bundy.
9

10 In addition to the profound insult and threatening nature of this remark, it reveals the
11 obvious pre-judging of the merits of the allegations, such that Judge Navarro would imagine that
12 Mrs. Bundy would of course be indicted, too, because Judge Navarro assumes that the allegations
13 must be true. It appears that Judge Navarro has already made up her mind that Cliven Bundy and
14 his sons are guilty until proven innocent. But this remark also indicates that Judge Navarro may
15 have had out-of-court, *ex parte* communications about this case, perhaps with her husband the Chief
16 Deputy District Attorney for Clark County, communications leading Judge Navarro to believe that
17 Mrs. Bundy will be indicted also or at least that there is discussion about making a decision to indict
18 Mrs. Bundy. The fact that Judge Navarro may be privy to out-of-court discussions about the
19 possibility that Mrs. Bundy might be indicted violates the canons of judicial conduct and creates a
20 conflict of interest and grounds for disqualification in having out-of-court information, *ex parte*, on
21 the merits of the allegation and the evidence. At the very least, the requirement to give public
22 confidence and avoid the appearance of impropriety requires recusal.
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25 Judge Navarro was appointed by President Barack Obama on the recommendation of
26 Senator Harry Reid. Both Obama and Reid have strongly signaled their pre-judgment that the
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1 Bundys are guilty and are “domestic terrorists.” Obama and Reid have already decided that the
2 Bundys are guilty. And they have publicly communicated that conclusion to the public (including
3 Judge Navarro, through the media in the strongest possible terms.

4 So, Judge Navarro knows that her benefactors Harry Reid and Barak Obama, want her to
5 come down in this case a certain way. The cruel and unusual punishment of treating Bundy like a
6 political prisoner, denying bail, and leaving him to rot in jail pending trial, reveals that Judge
7 Navarro has received the loud and clear signals from Reid and Obama and is obediently carrying
8 out those marching orders.
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10 **III. RENEWED MOTION FOR PRO HAC VICE STATUS FOR LARRY KLAYMAN**

11 **A. Judge Navarro has improperly denied Larry Klayman’s application for *pro hac***
12 ***vice status***

13 The Court is showing its ongoing prejudice against Cliven Bundy by denying Mr. Larry
14 Klayman, a nationally known trial lawyer who is a member in good standing of both the Florida and
15 Washington D.C. bar. Mr. Klayman has applied twice to this Court, and on the second occasion
16 said this:

17 “The undersigned counsel hereby again supplements Pro Hac Vice application of
18 Attorney Larry Klayman with the resume of renowned expert ethics Professor
19 Ronald Rotunda, which was inadvertently left off the prior filing. The prior filing
20 stated that the expert report of Dr. Rotunda was being submitted as an attachment to
21 **Exh. E** , which was Dr. Rotunda’s expert opinion that Mr. Klayman had not
22 committed any ethical violation before the District of Columbia Board of
23 Professional Responsibility. This proceeding is still pending. In addition, the prior
24 filing contains a written brief as **Exh. F** to that filing, referencing Dr. Rotunda’s
25 sworn testimony in which he also opined that Mr. Klayman had committed no ethical
26 violation. The resume which is being submitted herewith underscores Dr.
27 Rotunda’s impressive qualifications to render this expert opinion.

28 “Further, the undersigned counsel is attaching a recent Las Vegas Review Journal
report of April 8, 2016, which raises significant concerns. It shows that Senate
Minority leader Harry Reid, through his nationally televised statements on the Senate
floor, is seeking to prejudice this criminal proceeding by branding my client Cliven
Bundy, and his family, domestic terrorists, and, by implication, that they should

1 spend the rest of their lives in federal prison. In this regard, Cliven Bundy is now in
2 solitary confinement and has been denied bail pending appeal to this Court. Senator
3 Reid, on the Senate floor, proclaimed that “Cliven Bundy is where he should be—in
4 jail.” Further, Senator Reid called Cliven Bundy an
5 “outrageous lawbreaker.”

6 Nevertheless, this Court denied Mr. Klayman’s petition for *pro hac vice* again, this time in
7 the face of Dr. Rotunda’s opinion indicating that Mr. Klayman has done nothing wrong. As shown,
8 this Court is showing bias and prejudice against Mr. Klayman and against Mr. Bundy by its refusal
9 to grant *pro hac vice* status to Mr. Klayman. Having shown its negative feelings for the Defendant
10 and his wife, the Judge should recuse herself to avoid any appearance of impropriety. However, it
11 appears likely that this denial of Mr. Bundy’s 6th Amendment Right to Counsel cannot be cured
12 with a voluntary recusal from Judge Navarro, who has revealed her prejudice against the Bundys’
13 position, and therefore, under the Canons of Ethics cited above, the case must be transferred to a
14 different judge for a decision on disqualification.

15 **IV. LEGAL ARGUMENT**

16 **A. The Governing Law**

17 Pursuant to 28 U.S. Code § 144:

18 Whenever a party to any proceeding in a district court makes and files
19 a timely and sufficient affidavit that the judge before whom the matter
20 is pending has a personal bias or prejudice either against him or in
21 favor of any adverse party, such judge shall proceed no further
22 therein, but another judge shall be assigned to hear such proceeding.

23 The affidavit shall state the facts and the reasons for the belief that
24 bias or prejudice exists, and shall be filed not less than ten days before
25 the beginning of the term at which the proceeding is to be heard, or
26 good cause shall be shown for failure to file it within such time. A
27 party may file only one such affidavit in any case. It shall be
28 accompanied by a certificate of counsel of record stating that it is
made in good faith.

29 **B. Governing Legal Precedents and Principles**

30 An impartial judiciary is a fundamental component of the system of justice in the United
31 States. The right to a “neutral and detached judge” in any proceeding is protected by the

1 Constitution and is an integral part of maintaining the public's confidence in the judicial system.
2 *Ward v. City of Monroeville*, 409 U.S. 57, 61-62 (1972). *See also Marshall v. Jerrico, Inc.*, 446 U.S.
3 238, 243 (1980) ("powerful" constitutional interest in fair adjudicative procedure). Congress has
4 sought to secure the impartiality of judges by requiring them to step aside, or in some instances,
5 disqualify themselves, in various circumstances.

6 In order to preserve the integrity of the judiciary, and to ensure that justice is carried out in
7 each individual case, judges must adhere to high standards of conduct." *York v. United States*, 785
8 A.2d 651, 655 (D.C. 2001). "A judge should disqualify himself in a proceeding in which his
9 impartiality might reasonably be questioned. . . ." ABA Code Of Judicial Conduct Canon 3(C)(1)
10 *see also Scott v. United States*, 559 A.2d 745, 750 (D.C. 1989) (en banc).

12 The language of the Judicial Code leaves no doubt that that recusal process is to be self-
13 executing, as the judge should not unethically wait for a recusal motion to be filed. **"It is intended**
14 **to be used by a judge at the start of each case as a checklist to assist in deciding whether at**
15 **that point he should disqualify himself from any participation in the proceedings . . . [E]ven**
16 **before appraising participation in the case under the [Judicial Code], the judge should first**
17 **consult his own emotions and conscience, and pass an 'internal test of freedom' from disabling**
18 **conflicts."** Leslie W. Abramson, *Judicial Disqualification Under Canon 3 of the Code of Judicial*
19 *Conduct* 10 (2d ed. 1992).

21 Here, of course, the case has embarked on a dramatically new phase quite unrelated to the
22 past history of the case. At this juncture, the analysis should be applied.

24 Recusal is required when there is even the appearance that the court's impartiality may be
25 called into question, and "could suggest, to an outside observer, such a 'high degree of favoritism or
26 antagonism' to defendants' position that 'fair judgment is impossible.' *Liteky v. United States*, 510
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1 U.S. 540, 555, 127 L. Ed. 2d 474, 114 S. Ct. 1147 (1994)); *See also Jackson v. Microsoft Corp.*, 135
2 F. Supp. 2d 38, 40 (D.D.C. 2001) (recusal was proper because the judge "ha[d] created an
3 appearance of personal bias or prejudice").

4 The disqualification statute, 28 U.S.C. §144, is **mandatory and**
5 **automatic**, requiring only a timely and sufficient affidavit alleging
6 personal bias or prejudice of the judge. The judge is a silent
7 defendant, unable to make findings on the truth or falsity of the
8 affiant's allegations, and truth must be presumed. *United States v.*
Hanrahan, 248 F. Supp. 471, 474 (D.D.C. 1965)(Emphasis
added); and the allegations may be based upon information and
belief, *Berger v. United States*, 255 U.S. 22, 34, 65 L. Ed. 481, 41 S.
Ct. 230 (1920).

9 *Brotherhood of Locomotive Firemen & Enginemen v. Bangor & Aroostook Railroad Co.*,
10 380 F.2d 570, 576 (D.C. 1967).

11 Courts have also held that a jurist is subject to disqualification when a conflict of interest or
12 extra-judicial bias toward the client's attorney becomes manifest. *Souder v. Owens-Corning*
13 *Fiberglas Corp.*, 939 F.2d 647, 653 (8th Cir. 1991). ("Bias against an attorney can reasonably be
14 imputed to a party."). In *Foster*, the court held that an attorney who files a motion for change of
15 judge in good faith is not required to prove actual prejudice by the judge. *State ex. rel. Strain v.*
16 *Foster*, 537 P.2d 547 (Ore. 1975). In *Hulme*, a judge who had a prior negative interaction with
17 litigant's counsel in other cases was held to be disqualified in a mandamus proceeding. *Hulme v.*
18 *Woleslagel*, 493 P.2d 541 (Kan. 1972). More importantly, however, courts have held that the facts
19 are legally sufficient to disqualify a judge where there has been prior conflict between the judge and
20 counsel, where there was severe antipathy on the part of the judge toward counsel, and where an
21 attorney filed a complaint or charges against the judge.
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24 In *James*, a judge was required to disqualify himself when an attorney for a litigant in the
25 medical malpractice case filed a motion alleging that the judge was biased against him because the
26 attorney had previously represented a client who had sued the judge when he was in private
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1 practice. *James v. Theobald*, 557 So. 2d 591 (Fla. 1990). In *Brewton*, the court held that the judge
2 should be disqualified in an election-misconduct case because the partners of defendant's counsel
3 had brought about a bill of impeachment against the judge, and counsel for the plaintiffs had
4 appeared for the judge at the same impeachment trial. The court, in issuing a writ of prohibition
5 disqualifying the judge, said that prejudice of a judge toward counsel for a party may be of such a
6 degree as to effect a prejudice against the party itself. *Brewton v. Kelly*, 166 So. 2d 834 (Fla. 2d
7 DCA 1964). In *Hahn*, the court held that a change of judge should have been granted for bias when
8 the prosecuting attorneys in the action had previously prosecuted the judge and obtained a
9 conviction. *State v. Hahn*, 660 N.E.2d 606 (Ind. Ct. App. 1996).

11 Finally, in *Roberts*, a judge recused himself even though he stated he had no personal bias
12 against the litigant's attorney. The court there stated that the issue of what a reasonable person
13 would think about a judge's impartiality should be approached from the viewpoint of the party to
14 the action. Recusal was necessary because the functioning of the justice system would be impaired
15 if counsel were to go to trial before a judge that counsel thought had a conflict of interest and was
16 biased against him. *Roberts v. Ace Hardware, Inc.*, 515 F. Supp. 29 (N.D. Ohio 1981).

18 Providing further definition and guidance, 28 U.S. Code § 455 also requires:

19 (a) Any justice, judge, or magistrate judge of the United States shall disqualify
20 himself in any proceeding in which his impartiality might reasonably be questioned.

21 (b) He shall also disqualify himself in the following circumstances:

22 (1) Where he has a personal bias or prejudice concerning a party, or
23 personal knowledge of disputed evidentiary facts concerning the
proceeding;

24 * * *

25 (4) He knows that he, individually or as a fiduciary, or his spouse or
26 minor child residing in his household, has a financial interest in the
subject matter in controversy or in a party to the proceeding, or any other
27 interest that could be substantially affected by the outcome of the
28 proceeding;

1 (5) He or his spouse, or a person within the third degree of relationship
to either of them, or the spouse of such a person:

2 (i) Is a party to the proceeding, or an officer, director, or
3 trustee of a party;

4 (ii) Is acting as a lawyer in the proceeding;

5 (iii) Is known by the judge to have an interest that could be
substantially affected by the outcome of the proceeding;

6 (iv) Is to the judge's knowledge likely to be a material
7 witness in the proceeding.

8 * * *

9 Moreover, the Code of Conduct for United States Judges

10 **CANON 2** requires:

* * *

11 (B) Outside Influence. A judge should not allow family,
12 social, political, financial, or other relationships to influence judicial
13 conduct or judgment. A judge should neither lend the prestige of the
14 judicial office to advance the private interests of the judge or others
nor convey or permit others to convey the impression that they are in
a special position to influence the judge. A judge should not testify
voluntarily as a character witness.

15 **CANON 3** requires:

* * *

16 (C) Disqualification.

17 (1) A judge shall disqualify himself or herself in a proceeding
18 in which the judge's impartiality might reasonably be questioned,
including but not limited to instances in which:

19 (a) the judge has a personal bias or prejudice
concerning a party, or personal knowledge of disputed
20 evidentiary facts concerning the proceeding;

* * *

21 (c) the judge knows that the judge, individually or as
22 a fiduciary, or the judge's spouse or minor child residing in
the judge's household, has a financial interest in the subject
23 matter in controversy or in a party to the proceeding, or any
other interest that could be affected substantially by the
24 outcome of the proceeding;

25 (d) the judge or the judge's spouse, or a person
related to either within the third degree of relationship, or
26 the spouse of such a person is:

* * *

1 (iii) known by the judge to have an interest that
2 could be substantially affected by the outcome of the
3 proceeding; or
4 (iv) to the judge's knowledge likely to be a material
5 witness in the proceeding;

6 C. Case Must Be Transferred to Another Judge Immediately

7 Nothing can create more of the appearance of a conflict of interest than when a presiding
8 judge has a personal interest in the litigation or matters related to it. The applicable standard for
9 recusal is whether a judge's participation in a lawsuit will create the *appearance* of bias and
10 prejudice. *See Liteky v. United States*, 510 U.S. 540, 555, 127 L. Ed. 2d 474, 114 S. Ct. 1147
(1994)); *Jackson v. Microsoft Corp.*, 135 F. Supp. 2d 38, 40 (D.D.C. 2001), *supra*.

11 28 U.S.C. § 455(a) and (b) provide:

- 12 (a) Any justice, judge, or magistrate judge of the United States shall disqualify
13 himself in any proceeding in which his impartiality might reasonably be questioned.
14 (b) He shall also disqualify himself in the following circumstances:
15 (1) Where he has a personal bias or prejudice concerning a party, or personal k
16 nowledge of disputed evidentiary facts concerning the proceeding;

16 Under 28 U.S. Code § 455(a), Judge Navarro's impartiality may reasonably be questioned,
17 because the Judge will want to please her benefactors, Harry Reid and Barack Obama, who have
18 already telegraphed very clearly their desires concerning Mr. Bundy—keep in jail as long as
19 possible.
20

21 Additionally, it is entirely possible the Judge Navarro has personal knowledge of disputed
22 evidentiary facts concerning this case, because the Clark County Sheriff and his department were
23 heavily involved in the stand off, and the Clark County District Attorney is their lawyer! Thus, her
24 husband could be assigned to be the prosecutor of Bundy in a state criminal action.

25 ///

26 ///

1 **V. CONCLUSION**

2 Because Senator Harry Reid recommended this Court’s appointment to the bench to
3 President Obama, and because of Senator Reid’s obvious attempt to brand Mr. Bundy (a peace
4 loving man) as a terrorist, and because President Obama has previously attacked and mocked Cliven
5 Bundy in a nationally televised White House Correspondents’ Dinner, stating that there would be
6 consequences if one were to start out sentence: “Let me tell you what I know about the Negro.”
7 This comment was followed by a not-so-veiled threat. See
8 <https://www.youtube.com/watch?v=rveNp7f57H>. And because there is a very strongly felt
9 appearance of evil in this case, i.e., that the Bundy’s are “terrorists who should be in jail and stay
10 there”, considering all of the above, undersigned Counsel, with complete respect to this Court,
11 requests that the Court either recuse itself voluntarily or that she immediately stop the proceedings
12 and refer this matter to another Judge for resolution of this Motion.
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1 Pursuant to 28 U.S.C. § 144, the case must be transferred to a different judge, immediately,
2 and Judge Navarro should cease work on the case as required by the statute.

3 Dated: May 24, 2016

4 Respectfully submitted,

5 /s/ Joel F. Hansen, Esq.

6 **JOEL F. HANSEN, ESQ.**

7 Nevada Bar No. 1876

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21 *(Pro Hac Vice Application Pending)*

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2016, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to opposing counsel registered on CM/ECF.

/s/ Joel F. Hansen, Esq.
JOEL F. HANSEN, ESQ.

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